R. White sculpsit
JOHANNES SELDENUS. Armig:

TITLES
OF
HONOR.

By the late Famous and Learned Antiquary JOHN SELDEN of the Inner Temple, Esquire.

The Third Edition carefully Corrected.

With Additions and Amendments by the Author.

Boetius *de Consolat. Philosophiæ.*

Quos pluribus ostentat, despectiores potiùs Dignitas Improbos *facit. Verùm non impunè; reddunt namque* Improbi *parem* Dignitatibus *vicem, quas suâ contagione commaculant.*

LONDON,
Printed by *E. Tyler*, and *R. Holt*, for *Thomas Dring*, and are to be Sold at the *White Lion* next *Chancery-Lane* End in *Fleetstreet*.
MDCLXXII.

*CR
3501
S46t
1672a

TO

My moſt beloved Friend,

EDWARD HEYVVARD

OF

CARDESTON

In NORFOLK, Eſquire.

Worthy Sir,

THat Affection, which thus gave you, ſome ſixteen years paſt, the Firſt Edition of the TITLES of HONOUR, was juſtly bred out of the moſt ſweet Community of Life and Freedom of Studies, which I then happily enjoyed with you. And your excellent conſtancy to Virtue and good Arts, beſides the mutual habitude of no intermitting Friendſhip between us, hath ſo ſtrongly ſinceconfirmed it, that, although you had not ſuch a former right to this Second alſo, yet you

a only

07525

only or a Name of ſuch Worth (in what rank ſoever) I ſhould have ſought for, if any, to have placed here. Books have been uſually Dedicated, either for *Inſtruction*, as *Cicero*'s Offices to his Son, S. *Luke* to *Theophilus*, and the like; or for *Cenſure*, whether they were fit to be made Publique or no, as that of *Auſonius*, to *Pacatus*, with *Sive legenda ſive tegenda putes*; or for *Love and Honour* only to the Receivers. The firſt kind are private of their own nature; though afterward they often become Publique. So are they of the ſecond, until at the peril of his Judgment, who is ſo made Cenſor, they be offered to the view of the World. And ſuch a one, in truth, only is a *Patron* to anothers Work, and to the Edition; and that either according to the reciprocal Offices between *Patron* and *Client* in the old-State of *Rome*, or as an Aſſignee of a Slave there, made only to judge whether he deſerved manumiſſion, was when he had given it him. And this kind hath been uſed as well for the ſafety of the Authour as for the Defence of his Wit or Learning. For *cum omne genus ſtudiorum* (as he ſayes) *liberius & erectius periculoſum ſervitus feciſſet*, doubtleſs that care alſo grew more frequent in Dedications. And there had been ſpecial uſe of it in one of the firſt Books (if not the firſt) that ever was Publiſhed, as they ſay, among the *Greeks*. I mean that of *Anaxagoras*, *of the light and ſhadow of the Moon*, wherein it is ſcarce to be queſtioned but that he opened alſo that his opinion of the Suns being of ſuch conſiſtence as *Iron heated to the utmoſt height*, or, as he called it, μύλος διάπυρος, for which he was accuſed by

by *Cleo* (in their *Heliæa*, I think, which was the proper Court for Publique Affairs) as guilty of Blasphemy, or of an unsufferable Heresie against the *Athenian* Worship of his time. And though his Schollar *Pericles* undertook his Defence, yet he was fined for it at five Talents and banished his Countrey. But the Title of *Patron* is grosly, though commonly, abused where no Censure or Power at all of Suppressing, Correction, or Monition, is left to him that is styled so. As if one could be put into the state of a Libertine, without a former *Servitude!* or be bound so to receive, what he knows not, into his *Protection!* But of the Third kind, is this to you; Dear Sir. You are one that can rightly esteem a Work, and judge both of it, and of the Ability too that begets it. And to such only are these kind of Gifts to be thus presented. *Love* and *Honour* are best testified by what fits the quality to which you give them. For who would offer Gold to those *Americans* that set greater Price on the like or less quantity of Glass or Copper? They are not so guilty of disvaluing as is *the common Enemy Ignorance*, or, that which is next it, some *Fragment of Knowledge* supported only with an illiberal exercise of depraved Reason, when the Front of any piece of good Learning raised out of Liberal disquisition, is dishonoured with the Name of any Master of either of them; what sound of Opinion or Addition soever besides be hung about him. You remember the Tale in *Lucian*, of that *Ægyptian* King, who among other his Magnificent Entertainments of his People, shewed them a black Camel, shining with

moſt rich Trappings, and ſuch Jewels as were not beneath the value of ſome great Princes Poſſeſſions. But they, in ſtead of being taken with the Rare Novelty, and the precious Glory that accompanied it, wholly either contemned or neglected that, and with a ſcattered amazement only, at the unuſual colour of the Beaſt, would have quitted the Theater. And upon this of mine (done, I will take leave to ſay it, out of rich and moſt ſelect Stores and Cabinets of *Civil Learning*) what other kind of value than ſuch could be ſet by any that are either ſtrangers to all Manly knowledge, or elſe, equally with ſuch, deſpiſe what ere it be that falls not within the narrow Captivity of ſome profeſſion that they are fettered in. But the truly Generous Soul well knows and freely uſes its own ſtrength, not only in prudently gaining and judging of what it ſelf ſelects and loves beſt within the vaſt Circle of Knowledge, but unjuſtly valuing alſo what another chuſes there. It is ſaid that all Iſles and Continents (which are indeed but greater Iſles) are ſo ſeated, that there is none, but that, from ſome ſhore of it, another may be diſcovered. Some take this as an Invitation of Nature to the peopling of one ſoil from another. Others note it, as if the Publique Right of Mutual Commerce were deſigned by it. Certainly the ſevered Parts of good Arts and Learning, have that kind of ſite. And, as all are to be diligently ſought to be poſſeſſed by Mankind, ſo every one hath ſo much relation to ſome other, that it hath not only uſe often of the aid of what is next it, but, through that, alſo of what is out of ken

to

to it. Nor was there a more uſefull Lecture in the old Scholes than that of the *Plantoniques* when they firſt taught ἐν τοῖς μαθήμασι τὸ κοινὸν, *the common or mutual uſe that one Art or Diſcipline had of another.* I confeſs, Sir, your Nobler Contemplations of *Nature* and the *Mathematiques*, are far remote from the Subject I give you. Yet there is habitude even between it and them alſo. States themſelves are from Nature, and the Supreme and Subordinate Powers and Honours in them, from the example of it. And the often *degeneration of Poſterity*, in ſome *Nobilia portenta* (as *Valerius* calls them) from the *Merit* of their Anceſtors that were firſt raiſed to *Dignities*, may ſoon fall here into your Obſervations of *Nature* alſo. Anciently that Merit (it is *Ariſtotle* that notes it) was principally grounded either in an Active and ſtirring Wit and other ſuch Worth, or in that which was Grave and more Setled. For to theſe two and the various Employments fitted to them, the chiefeſt Parts of Civil Merit are reducible. But, ſayes he, as Plants, ſo men vary from their firſt Stock. The Nature of that is often retained in Poſterity but for a time, and then they whoſe Anceſtors were raiſed for Active or ſtirring Spirits, degenerate (as Vertues often do into the Vices that would diſſemble them) into Wildneſs and Levity; as his Examples are in the Poſterity of *Alcibiades* and the elder *Dionyſius*; and the other kind into Lazie Dulneſs, as the Deſcendents of *Cimon*, *Pericles*, and *Socrates.* And for the *Mathematiques* too; the working by *Geometrical proportion*, between *Merit* and *Advancement*, you know is ever to be exerciſed

exerciſed in that Diſtributive Juſtice which creates ſuch Dignities and Titles as are repreſented here. Thus ſome Parts of your own Studies, may perhaps be ſometimes pleaſed with it. But in earneſt; as it comes from me, I know it is acceptable to you. And if it have the Fate of a long Life, it will return me a large Retribution by tranſmitting the Memory of our Friendſhip to Poſterity.

BEN.

BEN. JOHNSON

To his Honoured Friend

Mr. JOHN SELDEN

HEALTH.

These were given and prefixt to the First Edition. 1614.

I Know to whom I write: Here, I am ſure,
Though I be ſhort, I cannot be obſcure.
Leſs ſhall I for the art, or dreſſing care;
Since, naked, beſt Truth, *and the* Graces *are.*
Your Book, my Selden, *I have read; and much*
Was truſted, that you thought my Judgment ſuch
To ask it: though, in moſt of Works, it be
A penance, where a man may not be free,
Rather than office. When it doth, or may
Chance, that the Friends affection proves allay
Unto the cenſure. Yours all need doth flie
Of this ſo vitious humanity:
Than which, there is not unto Studie' *a more*
Pernicious enemy. We ſee, before
A many' of Books, even good Judgments wound
Themſelves, through favouring that, is there not found:
But I to yours, far from this fault, ſhall do;
Not flie the crime, but the ſuſpicion to.
Though I confeſs (as every Muſe *hath err'd,*
And mine not leaſt) I have too oft preferr'd
Men paſt their terms; and prais'd ſome names too much:
But 'twas, with purpoſe, to have made them ſuch.
Since, being deceiv'd, I turn a ſharper eye
Upon my ſelf; and ask, to whom, and why,
And what I write: and vex it many dayes,
Before men get a Verſe, much leſs a prayſe.

So

So that my Reader is assur'd, I now
Mean what I speak; and, still, will keep that vow.
Stand forth my object, then. You, that have been
Ever at home, yet have all Countries seen;
And, like a Compass, keeping one foot still
Upon your center, do your circle fill
Of general Knowledge; watch'd men; manners too;
Heard, what past times have said; seen, what ours do;
Which Grace *shall I make love to first? your skill?*
Or faith in things? Or is't your wealth and will
T' inform, and teach? Or your unwearied pain
Of gath'ring? Bounty in pouring out again?
What Fables *have you vex'd! What Truth redeem'd!*
Antiqu'ties search'd! Opinions disesteem'd!
Impostures branded, and Authorities urg'd!
What Blots and Errors have you watch'd, and purg'd
Records *and* Authors *of! How rectified*
Times, Manners, Customs! Innovations spied!
Sought out the Fountains, Sources, Creeks, Paths, Wayes!
Where is that nominal Mark, or real Rite,
Form, Act, or Ensign, that hath scap'd your sight?
How are Traditions there examin'd! How
Conjectures retriv'd! And a Story, now
And then, of times (beside the bare conduct
Of what it tells us) weav'd in, to instruct!
I wonder'd at the richness: but, am lost,
To see the workmanship so exceed the cost.
To mark the excellent seas'nings of your style,
And masculine elocution; not one while
With horror rough, then rioting with wit;
But, to the subject, still the colours fit:
In sharpness of all search, wisdom of choice,
Newness of sense, antiquity of voice.
I yield, I yield. The Matter of your praise
Flows in upon me; and I cannot raise
A bank against it: Nothing, but the round
Large clasp of Nature, *such a wit can bound.*
Monarch *in* Letters! *'Mongst thy* Titles *shown,*
Of others Honours; *thus, enjoy thine own.*
I, first, salute thee so: and gratulate,
With that thy Style, *thy keeping of thy* State,

In offring this thy Work to no Great Name;
That would perhaps have prais'd and thank'd the ſame,
But nought beyond. He, thou haſt giv'n it to,
Thy learned Chamber-fellow, knows to do
It true reſpects. He will, not only, love,
Embrace, and cheriſh; but, he can approve
And eſtimate thy pains: as having wrought
In the rich Mines of Knowledge, and thence brought
Humanity enough, to be a Friend,
And ſtrength, to be a Champion, and defend
Thy gift 'gainſt Envy. O, how I do count
Amongſt my comings in (and ſee it mount)
The gain of two ſuch Friendſhips; Heyward, *and*
Selden, *two* Names, *that ſo much underſtand:*
On whom, I could take up (and ne'r abuſe
The credit) that would furniſh a tenth Muſe.
But here's nor time, nor place, my wealth to tell;
You both are modeſt: ſo am I. Farewel.

The Preface.

Omewhat was thought fit here to be ſaid to you, Reader, of the *Materials* and ſome *other Particulars* that concern the Compoſition of the Work. For, of the *Nature of the Subject* and the *Method*, the Beginning it ſelf, and the Heads of the Chapters of both Parts prefixt together, give a View full enough. The *Materials* have been principally taken out of ſeveral *Authors* that have purpoſely written *of Parts of the Subject*, out of the *Hiſtories* of ſeveral States and Ages, and out of their *Conſtitutions* and *Cuſtoms*.

Of thoſe *Authors*, ſome are, that write of the Titles of the old *Roman* Empire (whence divers of the preſent, in moſt States, are deduced;) ſome of the later, or *Greek*, *French*, and preſent *Roman* and *German* Empire; Some of the Kingdoms of *Naples* and *Sicily*, and other Parts of *Italy*; Divers of the Titles in *France*; Divers of thoſe in *Spain*; Some of our *Engliſh* Titles, and of thoſe in *Scotland*. For the Subject, by Parts, hath not been rarely handled in the later Ages, but thought moſt worthy of good hours to be ſpent on it, by ſome of the greateſt both Lawyers and Divines too ſometimes, as alſo by others of ſingular Eminency. And in thoſe remote Ages, wherein we place the greateſt flouriſhing of Wit and good Arts, that part of it which was then the chiefeſt, and (if you except their Sacred and Civil Offices of Employment; which were frequently added to it alſo) the ſole ſubordinate Title of Perſonal Dignity, that is, *Gentleman*, *Nobilis*, or Ἐυγενὴς, which is literally interpreted by **well-borne** with us and the *Dutch*, being ſo but the ſame in ſubſtance with one that had *Jus Imaginum* in old *Rome*, was written of by it ſelf by ſome great Names of that time. One book was written by *Ariſtotle*, being

being also of better blood and discent than most of the known Philosophers, περὶ Εὐγενείας, or *of Gentry* (which was then most usually taken to be as an Inheritance of remarkable Estate and Virtue derived from the Ancestors) a fragment whereof is put at the end of some of his Editions. And that he wrote such a one is justified also by *Laertius* in his life, and by [a] *Athenæus*; though indeed *Plutarch* doubt whether [b] that were his or no, which in his time was inscribed so. And I verily believe, *Plutarch* meant but the self same whereof the Fragment attributed to him is a part. For the passage in him is, that *Demetrius Phalereus*, *Hieronymus Rhodius*, *Aristoxenus* and *Aristotle* (εἰ δὲ τὸ περὶ Εὐγενείας βιβλίον ἐν τοῖς γνησίοις Ἀριστοτέλους φέρεται, *if that Book of Gentry be truly* Aristotle's) all agree that *Socrates* while his wife *Xantippe* lived, took also into his house *Myrto* (θυγατριδῆν Ἀριστείδου) *Neece to Aristides* and maintained her. Now in that fragment, the words are, οἱ μὲν γὰρ ἐξ ἀγαθῶν γονέων Εὐγενεῖς εἶναι νομίζουσι καθάπερ ὁ Σωκράτης· διὰ γὰρ τὴν Ἀριστείδου ἀρετὴν καὶ τὴν θυγατέρα αὐτοῦ γενναίαν εἶναι, *for some esteem those well-born* or *of gentle blood, that are born of good Parents, as* Socrates *did, in that he esteemed* Aristides *his Daughter generous by reason of her Fathers Virtues.* This was part of that which I presume *Plutarch* had, in that book of *Aristotle* concerning *Myrto*, though he more truly make her Neece to the great *Aristides*. For, that *Socrates* should marry *Aristides* the Just (who is meant here) his Daughter, the concurrence of times, the most exquisite touchstone for Story, permits not, as it was long since [c] also observed. Unless you will interpret *Aristotle* according to that of the old [d] Civilians, received doubtless out of such as were ancient also to them; *Liberorum appellatione, nepotes & pronepotes, cæteríque qui ex his discendunt continentur. Plutarch* also, περὶ Εὐγενείας, or *of Gentry* is twice cited in [e] *Stobæus*, who hath also two Titles *of Gentry* and *Gentlemen*, or *Nobiles*, and some fragments of him. But the most of that which in the later of *Stobæus* (in the first Edition of him) is attributed to *Plutarch*, is the self same which is the greater part of that which we call *Aristotle*'s. Several books, with the same title, of *Diogenes* of *Babylon*, or, as he is more rightly called, of *Seleucia*, are remembred likewise by [f] *Athenæus*, as also one written by *Metrodorus* in [g] *Laertius*. And *Philo* the *Jew* hath left one whole to us, περὶ Εὐγενείας, or *of Gentry*;

a *Dipnosoph. lib.* 13.
b *In Aristide, sub extremum.*
c *Athenæus, lib. citato.*
d *ff. de verb. signif. l.* 220, 201, 104, & 56.
e *Serm.* 84. & 86.
f *Dipnosoph. lib.* 4.
g *In Epicuro.*

though all the other (saving the fragments we speak of) be utterly and long since lost. And although these wrote as Philosophers, and so spent much of what they said doubtless upon *Natural* and *Moral Nobility*, or on that which was as proportionable to what in the later times we call *Nobilitas Christiana*, as the height of Virtue, in Paganisme, could be to the best exercise of Religion; yet there can be no question but that they handled also *Civil Nobility* or *Gentry*, which is part of our Subject here, and by the *Academiques* or *Platoniques* and the *Peripatetiques* was specially reckoned among *External* things that are *good*, and by the *Stoicks*, among such as are *Indifferent* only. And I cannot imagine that any expression doth more summarily denote both their conceptions of Gentry, as also the estimation that it had in their Civil considerations, than that quadripartite division of it in the School of *Plato*. διαιρεῖ) ἡ Εὐγένεια εἰς εἴδη τέτταρα· ἓν μὲν ἐὰν ὦσι οἱ πρόγονοι καλοὶ κἀγαθοὶ καὶ δίκαιοι· τοὺς ἐκ τούτων γεγενημένους, εὐγενεῖς φασιν εἶ)· ἄλλο δέ, ἐὰν ὦσιν οἱ προγονοι δεδυναστευκότες καὶ ἄρχοντες γεγενημένοι· τοὺς ἐκ τούτων εὐγενεῖς φασιν εἶ). Ἄλλο δέ, ἐὰν ὦσιν οἱ προγονοι ὀνομαστοὶ οἷον ἀπὸ τραπηζίας, ἀπὸ στεφανίτων ἀγώνων· καὶ γὰρ τοὺς ἐκ τούτων γεγενημένους εὐγενεῖς προσαγορεύομεν. Ἄλλο εἶδος, ἐὰν αὐτός τις ᾖ γενναῖος τὴν ψυχὴν καὶ μεγαλόψυχος, καὶ τοῦτον εὐγενῆ φασίν· καὶ τῆς γε εὐγενείας αὐτὴ κρατίστη· τῆς ἄρα Εὐγενείας τὸ μὲν, ἀπὸ προγόνων ἐπιφανῶν, τὸ δὲ πλουσίων, τὸ δὲ ἐνδόξων, τὸ δὲ ἀπὸ τῆς ἰδίας καλοκἀγαθίας, *Nobility or Gentry is divided into four Kinds. Such as are born of good and just Parents, they call* Noble. *If the Parents be Men of Power or Governours, their children also they call* Noble. *Those also we call* Noble, *whose Ancestors had honour either from command in the Wars, or from any of those Games wherein Crowns were rewards to the Victors. And lastly, him also they Call* Noble *that hath his own inbred dignity and greatness of Spirit. Of all which, this is the best kind of Nobility. So that Nobility hath its ground either from Ancestors eminent for* Justice, *or from such as were* powerful, *or from those that had that* (other) glory, *or from a mans* own worth. And, what is much to this purpose you have in obvious pieces of some of their Works that remain under other Titles to this day. But for very many Ages afterward, and until about *CCC.* years since, I remember not any Authors (except the Collectors of the *Codes*, which are to be accounted among the Constitutions of former time; and that of *Cassiodor* his *Formulæ*, which are a piece of *History*)

Story) that have left any Treatiſes titled either of *Gentry* or of any other parts of the preſent ſubject. *Bartol*, that great Lawyer (who flouriſhed about MCCCXL of our Saviour) wrote ſomething of *Arms* and *Gentry*, which is extant among his works. And ſince him very many, but not any till long after him, have written not only *de Nobilitate* but of other Titles that uſe to be ſuperadded to it, and that as well in whole books with Titles that profeſs as much, as alſo, by the way, in other Treatiſes, both which kinds we have diligently uſed here.

Under *Hiſtories*, I comprehend here not only the Numerous ſtore of *Hiſtories* and *Annals* of ſeveral States and Ages, wherein the Actions of them are put together in ſome continued diſcourſe or thred of time, but thoſe alſo that otherwiſe, being written for ſome narrow particulars, and ſometimes under other names, ſo ſhew us in example what was done in *erecting* or *granting* or otherwiſe, concerning the *Titles* here medled with, that we may thence extract what conduces to the repreſentation of the *Forms* and *Patents* of *Erections* and *Grants* and of the *Circumſtances* and *Nature of the Being* of them. As that of *Auguſtin de Paz* of the houſe of *Bretagne*, thoſe of *Andre du Cheſne* of the Houſes of *Montmorency*, *Chaſtillon*, and others; of *John Schoier* of the houſe of *Croy*, *Franciſcus Modius* his *Pandectæ Triumphales*, the *Nobiliario genealogico de los Reyes y titulos de Eſpanna* written by *Alonſo Lopez de Haro*, and the like, together with the *Codex Piarum Donationum* and the *Diplomata Belgica* of *Aubertus Miræus* Dean of *Antwerpe*, and ſuch more. Out of this kind, which is publick in print, I have for the moſt part ſupplied my ſelf with whole *Forms* of the *Emperors*, *Kings*, and others *Charters* or *Patents* wherein the very eſſence of moſt of our Subordinate Titles conſiſts. I mean for *Forreign Nations*; whoſe Records indeed or publick Acts have in good Meaſure, for this purpoſe, been by thoſe and the like Writers communicated to us who, living at home only, cannot have acceſs to them. And for the *Forms* and *Creations* in the declining time of the *Empire*, *Caſſiodor* and the *Notitia utriuſque Provinciæ* gave me beſt light. But for Titles erected or granted by the Kings of *England* and *Ireland*; the *Records* or *Rolls* themſelves of the *Chancerie* of *England* ſufficiently enough ſtored me with

whole *Forms* of the *Charters* or *Patents* of them, though withal, ſome teſtimonies concerning thoſe of *Ireland* I have received out of the Records of that Kingdom alſo. With thoſe *Records* or *Rolls* of the *Chancery*, I have uſed alſo ſuch as give help here in the Treaſuries of the *Exchequer*, beſides the *Regiſters* of the Vicar General of the Archbiſhop of *Canterbury*, ſome of the Biſhoprick of *Winchester*, divers *Original Charters*, with many other ſuch pieces and paſſages, aſwell in Verſe as Proſe, as are to be reckoned for *Hiſtory* or among the parts of it, and of neceſſary uſe in the ſearch of it; though they bear other Titles, and are too much neglected chiefly by Compilers of Annals and Hiſtory, who for the moſt part ſeek no other Materials or helps than what obvious Volumes that bear but ſuch kind of Names as their own ſhall, can eaſily afford them.

Thoſe *conſtitutions* and *cuſtoms* of ſeveral States and Ages, that is, the *Laws* of them, partly are had out of thoſe *Autors of Treatiſes* and *Hiſtories* before ſpoken of, but principally out of Volumes that purpoſely contain them. As out of *Juſtinians* Body of the Lawes, *Theodoſius* his Code, and the *Conſtitutions* joyned uſually with either of them, the Volumes of the *Imperial Conſtitutions* of the *French* and *German Empires*, the *Codex Legum Antiquarum*, the *Bullary* of the See of *Rome*, the *Councels*, *Rituals* and *Ceremonials* as well of the *Eaſtern* as the *Weſtern Church*, the Conſtitutions and Cuſtoms of *Naples* and *Sicily*, and ſome other that belong to ſome States that are or have been in later ages parts of the *Empire*; out of the *Partidas* and *Recopilacions* and *Pragmatica's*, of *caſtile*, the *Ordinances* of *Portugal*, *Navarre* and ſuch more, the *Edicts* and *Ordinances*, and the *Cuſtumier* of *France*, the Statutes of *Scotland* and *Ireland*, and the Statutes and Cuſtoms of *England*, beſides divers *Deciſions* that more peculiarly and reſpectively belong to thoſe Nations. Partly alſo they were had out of ſome Obſervations communicated through the courteſie of Friends, who are in their due places acknowledged. And plainly, in all this kind of Learning, concerning either things or perſons, as they are a part of any State, there is nothing more conduces to a right judgment than the careful examination of *Conſtitutions* and *Cuſtoms*, their *received Interpretations* and their *Force*, in the State and Age of which any Civil diſquiſition is raiſed. For they are the very

very Compaſs to direct in all *Judicial* proceedings; and of ſingular uſe alſo in whatſoever is *Deliberative*. The Neceſſity and Excellency of them in Civil Learning, is manifeſtly exampled in the courſe which both that great Maſter of Wit and Art, and his Schollar *Theophraſtus*, uſed in their getting and teaching what they knew of it. The Maſter well conſidering it would be a vanity to ſeek for or ſtrive to raiſe, as ſome before him had done, ſuch precepts or knowledge of it, as ſhould be fit for general inſtruction to poſterity, either out of his own fancy, how excellent ſoever, or out of the pattern of his own or any other ſingle State how well ſoever framed or governed (for that which may be moſt Convenient or juſt in one State, may be as Injuſt and Inconvenient in another; and yet both excellently as well framed as governed; and it is moſt obſervable that *Plato*, as *Laertius* ſays of him, πολιτείας μὲν οὐχ ἥψατο, ᾗ τοι πολιτικὸς ὢν ἐξ ὧν γέγραφεν, ἄλλως δὲ τὸ ἦθος τοῦ δήμου ἄλλοις πολιτεύμασι ἐνειθίσθαι, *medled with no publique employment, though he were made alſo for Civil buſineſs, as appeares by what he hath written; but the cauſe was, for that the Cuſtoms of the State were wholly different from his learning*) provides firſt, for his principal Materials, the ſeveral Frames, Conſtitutions, and Cuſtoms of the States that then flouriſhed as well in *Greece* as in other parts of the World that were known to him. For he wrote one Volume titled [h] Νόμιμα βαρβαρικὰ or *the Lawes of ſuch States as were forrein to Greece*. And the body of the greateſt work he made of this kind he called Πολιτεῖαι πόλεων or *the Frames* or *Forms of ſeveral States*, or συνηγμέναι πολιτεῖαι, *ſeveral States collected*, as his own words are at the end of his Ethicks where he profeſſeth his having this proviſion. And therein he repreſented CLVIII ſeveral Common Wealths (*Guilielmus Burlæus* ſays CLX) ſome Popular, ſome Oligarchical, ſome Optimacies, ſome Monarchies, with the various mixtures of theſe. And out of this he often cites in his Politicks, as alſo *Julius Pollux* doth ſometimes, *Harpocration*, *Athenæus*, the Scholiaſts of *Apollonius Rhodius*, and of *Pindar*, *Clemens Alexandrinus*, and ſome other of the Antients. Other works he made of the ſame materials, as his Δικαιώματα πόλεων, or *Courſes of Juſtice of ſeveral States*, in two books, his four books *of Juſtice*, as many *of Laws*, and ſome ſuch more. And being furniſhed with the Volumes of theſe (which are loſt

h *Varro de Ling. Lat. lib. 6. & Apollonius in Hiſt. Mirab.* 11.

loſt and long ſince have been ſo) he wrote his *Politicks* that are read in the Schools and are the chief text by which we are all firſt bred to Civil Knowledge. *Theophraſtus* following his Maſters example collected alſo out of the Conſtitutions and Cuſtoms of ſeveral ſtates, four books πολιτικῶν ἐθῶν, or *of Civil Cuſtoms and Manners*, and then wrote much alſo both of Laws and Policy. All which *Cicero* in his fifth *de Finibus* ſhortly comprehends in that of them both; *Omnium ferè Civitatum, non* Græciæ *ſolùm, ſed etiam* Barbariæ, *ab Ariſtotele, Mores, Inſtituta & Diſciplinas*; *à* Theophraſto *Leges etiam cognovimus*. Thence was it alſo that *Demetrius*, ſchollar to *Theophraſtus* collected his five books περὶ τῆς ἀθήνησι νομοθεσίας, or *of the courſe of making Laws in Athens*, and *Dionyſius Metathemenos*, a Volume περὶ βαρβαρικῶν ἐθῶν, or *of the cuſtoms of Nations that were forrein to* Greece, and *Heraclides*, his πολιτείαι, or the *Forms of ſeveral ſtates*, ſome ſlight Fragments whereof are extant to this day and publick. And according to theſe they formed the precepts and directions of their Civil Learning, betwixt which and the multiplied variety of it in the ſucceeding ages and the preſent (wherein the Faces and Frames of government, and of conſtitutions and cuſtoms, are often doubtleſs as different from all thoſe which they knew, as any of them were then one from another) though much analogy be in ſome particulars, yet plainly the phraſes and Notions concerning *Juſt* or *Unjuſt*, and *Convenient* or *Inconvenient*, in thoſe and the like precepts and directions of Philoſophers or others that only out of ages and ſtates paſt or precepts or directions taken out of them, ſeek any of this kind of Learning, are often ſo diſproportionate to what they are applyed in Diſquiſitions concerning ſuch ſtates as are wholly of another mould or frame, that it cannot be doubted but that if any of thoſe great writers of *Greece* were now living again, they would in recognizing and fitting their *Politicks* to preſent uſe, firſt inform themſelves of the ſeveral Faces and Forms of Government, and the Conſtitutions and Cuſtoms of the preſent ages (as they did of their own times) and of their Grounds and Reaſons, and according to them make Inſtaurations of divers of their precepts and directions, no otherwiſe than they would new examine the lame Aſtronomy of their ages with the later obſervations of *Ptolemy*, *Copernicus*,

pernicus, *Tycho*, *Galileus*, *Kepler*, and such more, or their learning of Generation, Corruption, Digestion, Transmutation and other like by the later experiments of Chymiques. And it was long since complained of by that great Friar, *Roger Bacon*, to Pope *Clement* the Fourth, that the right study of that part of Moral philosophy, or of Civil learning, which depended on the variety of Laws, and several Forms of State, according to that example of *Aristotle* and *Theophrastus*, were wholly omitted in the Schools. And that such knowledge as was had of it, was only had *laicaliter*, or according as any might take consideration of the Laws and Customs and the changes of them in the particular States only where he lived, either for Practice, or Obedience, or both; but not *philosophicè*, or in such sort as that by comparing the manifold variety of several States and times (as we find them since those *Grecians* wrote) just precepts or directions might be doctrinally delivered concerning them. *Secunda pars Moralis Philosophiæ* (so are [i] his words; the first part of Moral philosophy, he makes to concern Divine Worship, the third, Vertues and Vices; the fourth, the distinction of sects of Religion; the fifth, the propagation of the best; and the sixth and last, the right way of practice in Courts of Justice) *dat Leges publicas, & primò de Cultu Divino, & deinde de Regimine Reipublicæ & Civitatibus & Regnis; & sub hac parte continetur Jus Civile Imperatorum & Regum per universum Mundum. Et multi tradiderunt multa de hac parte. Sed* Aristoteles *& ejus discipulus* Theophrastus *omnia compleverunt, ut dicit* Marcus Tullius *quinto Academicarum libro* (plainly he meant *quinto de Finibus*) *& ab hijs habuerunt omnes Latini omnes Leges principaliter; quanquam leges* XII *Tabularum fuerunt transcriptæ ex dictis* Solonis Atheniensis. *Sed addendum est, quod hæc pars Philosophiæ non est apud Latinorum usum nisi laicaliter, secundum quod Imperatores & Reges statuerunt. Nam Philosophicè, secundùm quod tradita est ab* Aristotele *&* Theophrasto, *non est hæc pars in usu Latinorum.* By *Latini* he means here, as in his *Specula Mathematica* also, and divers other parts of his Works, the Universities or Schools of the Western Church of that age, not so much because indeed the *Greeks* of those times, and since, often stile us not only *Franks* but also *Latins* (as appears obviously in their Oriental stories) as because the

[i] *Opere Minore ad Clem. PP. 5. cap. 20. Ms.*

Works

Works of *Ariſtotle*, *Galen*, *Euclide*, *Ptolemy*, and ſuch more which in the Schools they then uſually read, were only in *Latine*, and tranſlated, not from *Greek*, but from the *Arabique* of the *Arabians* or *Saracens*, among whom, in *Afrique* and *Spain*, the Arts principally flouriſhed about D. years ſince. And I remember I ſaw once in ſome Authour of the Ages wherein the Weſtern Chriſtians began as it were a Trade with the *Saracens* for ſuch Learning, the name of *Studia Saracenorum* given to the ſtudies of natural Philoſophy and the Arts. So that *Latini* here are oppoſed to *Saraceni* or *Arabes*.

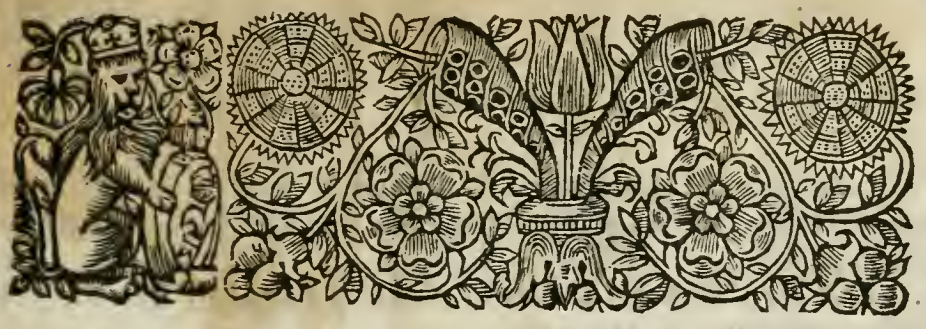
Of thoſe *Writers of parts of the Subject*, thoſe *Hiſtories*, and thoſe *Conſtitutions and Cuſtoms*, the moſt are publique in *Print*; yet very many, only *Manuſcripts*. For the *printed*; there needs no further admonition. But for the *Manuſcripts*, which are either *Books* or *Charters*, and other like *Inſtruments* in *Libraries* or *Private hands*, or in *Rolls* or *Records* kept in the treaſuries or Offices of Courts of Juſtice; they are all noted, as likewiſe the printed are in the margine, and to what they are cited. To thoſe Manuſcripts of the firſt kind, moſt commonly is added, in whoſe hands they remain, or out of what Library, or whence or where I had the uſe of them. But the moſt and chiefeſt of them I uſed long ſince by the moſt Noble courteſie of my dear Friend Sir *Robert Cotton*, a man that was incomparable, as well in the communicative bounty, as in the excellence of Civil obſervation and Knowledge. Neither had I by his favour the uſe only of that ineſtimable *Library* of his Induſtrious, Judicious, and moſt Chargeable Collection, but of ſome *Manuſcripts* alſo, that being ſometimes lent only to his hand, were returned to their Owners by him. Divers I had from other hands, and in other places. And ſome are of mine own too. Often therefore the Margine cites *Manuſcripts* expreſly out of that *Library*, and ſometimes out of ſome other hands; and *Ms.* ſometimes is only put in the Margine without any addition of the place where it remains. But where ever that only occurrs ſo, or any other Manuſcript is mentioned without other circumſtance in one place or other, to denote where it is, it means either that it is mine Own, or elſe that it was of them that being uſed from his hand were either reſtored to their Owners, or

were

were ſuch, as I was not ſure at the time of the writing, whether he had made them part of that Library or no. For the reſt of this kind; the *Hand*, *Library*, or *other place* that furniſh'd me, is noted with them. With thoſe of the Second kind, the places where they are kept are rarely noted. Out of their own Nature, it is known to men that are acquainted with Records, where they are. The Forms of *Patents* or *Charters* of *Creation*, and the like are inſerted at large in the Tongues we find them; as *Latine*, *French*, *Spaniſh*. So are ſome *Ceremonials* of *Coronations* and *Creations*, and the *Spaniſh Pragmatica* concerning *Precedence*, and the *Attributes* to be given in the Abſtract or Concrete to Perſons of Honour; and that without *Tranſlations*. And ſo is alſo whatſoever is elſe cited in *Latine*, *French*, *Spaniſh* or Italian. For, either the *Diſcourſe* in *Engliſh* that accompanies it, ſufficiently ſupplies a *Tranſlation*, or elſe the Matter or Language is ſuch that a fit Reader, aſſiſted with that Diſcourſe, may without difficulty underſtand it. For I expect not here a Reader without ſome ſuch meaſure of Knowledge, as is uſually had by Liberal Education. And that of *Lucilius* in the Front of the firſt Edition ſpeaks the mind of this alſo; *Perſium non curo legere*, *Lælium Decimum volo*. As it fears not what height ſoever the Readers Learning be at, ſo it requires one raiſed, at leaſt, above a ſordid Ignorance. The Copy, by reaſon of ſome inevitable Occurrences, hath been ſo long at the Preſs, and delayed there, and is now at length publiſhed ſo long after the time it was ready for it, that thence alone we doubt not but to be excuſed whereſoever any man, that hath, ſince the finiſhing it, had acceſſion of any other Title or Attribute to be uſed with his Name, than we could then uſe to him, is here mentioned without it. To have altered that now, had been much more trouble, than the moment of it is worth. The Particulars that we meddle with by Diſcourſe, are Faithfully, Diligently, and Freely enough alſo handled. But it is true, that ſome particulars concerning the Titles here handled, are wholly pretermitted, and ſome are touched only *remiſſivè*, as the Lawyers call it. The Reaſons whence that proceeded are ſometimes expreſſed; And where they are not expreſſed, a diſcreet Reader may without

out difficulty gueſs at them. And for any other, I had rather he ſhould tax me for it, than receive further ſatisfaction here concerning it. Divers things are diſputed here againſt ſome publiſht Opinions of other Writers, and that as well of great Worth as Name; but without the ambition of naming them or making a perſonal quarrel in Print, which is often but a buſie vanity of hours that might be eaſily better employed. My own part, I preſume, is ſo well maintained and cleared, that the *Reaſons* and *Authorities* which ſtrengthen it, ſufficiently confute Adverſe Opinions, without muſtering their Authours together. Something alſo of ſome Forreign Countries that might be expected under the Title, have no place here, becauſe my ſtore of Materials, however none of the ſlendereſt, was not furniſhed with them. It was fit here to trouble you with thus much, Reader; and ſo I leave you to the Uſe of it.

The



The Heads of the Chapters

Of the First Part.

Chap. I.

1. The Purpoſe *and* Diſpoſition *of the whole work.* Page 1
2. *The twofold* Original, *of the ſupreme Titles of* King *and* Emperour. p.3
3. *Of the* firſt Kings *which, in antient ſtory, are attributed to the time* before the Floud. p.4
4. *Of the* firſt King *and propagation of Kingdoms* after the Flood. p.6

Chap. II.

1. King *and* Emperor. *What* Emperor *denoted, and how the Title was uſed.* p.11
2. *The hate in* Rome *to the name of* Rex, *and how their* Emperors *abſtain'd from it. Their Title of* Princeps. p.12
3. *At length, others called them* Kings, *but they wrote themſelves only* Emperors, *until the uſe of* Baſileus, *or* King, *and* Emperor, *grew promiſcuous in the* Greek *expreſſions of their title.* p.13
4. *Differences between the* Emperors *of the* Eaſt *and* Weſt, *about the titles of* Baſileus, *and* Rex, *and* Emperor. p.14
5. *The Title of* Emperor *given to the* Kings of England, France, Spain, *the great Duke of* Moſcovy, *the* Grand Signior, Preſter John. p.17
6. *The Supremacy of thoſe and other* Kings *free from the ſubjection of the Empire of* Rome *againſt the common, but ridiculous opinion of many* Civilians. p.20

Chap. III.

1. *Of the Title of* King, *as it is Subordinate in Subject-Princes, with ſome particulars of the Kingdom of the* Ile of Man. p.22
2. *The Title of* King of Kings, *and* Great King, *with the old Ceremony of giving* Earth and Water *in ſtead of* Homage. p.27

3 *Of ſolemn* kiſſing *the* Feet, Hands *or* Lips *of Supreme Princes, and of* Adoration. p.30

Chap. IV.

1. *Of the Title of* Dominus *or* Lord *given to great Princes, but alſo communicated to Subjects of the greater rank.* Senior, Xeque *or* Cheque, *and the like.* p.33

2. *The Kings of* England *antiently called only* Lords of Ireland. *The deduction and change of that Title.* p.37

3. *The attribute of the name of* God *to Supreme* Princes, *and Swearing by them and by their* Genius. Divinitas noſtra, *and* Æternitas noſtra, *and the like uſed by them; with the antient uſe in the Eaſtern parts of having the name of a* Deitie *in their Names.* p.42

Chap. V.

1. *Of the Titles of* Cæſar *and* Auguſtus *in the Stile of the* Roman *or* German *Emperors; and how they have been given to ſome other Princes. The honorary denominations of the* Roman *Emperors by other Countries.* p.46

2. *The antient uſe of titling whole races of Kings by one name in ſuch ſort as the Emperors are known by the Title of* Cæſar. *The affectation of the Names of* Antonin *in the* Roman, *and* Conſtantine *in the* Greek *Empire.* p.50

3. Moſt Chriſtian King, *in the Stile of the King of* France. p.52

4. Defender of the Faith, *when and how given to the Kings of* England. Defender of the Church *attributed to the Emperour. The title of* Supreme Head of the Church, *which began in* Henry *the Eighth.* p.53

5. Catholick, *in the King of* Spain's *ſtile.* p.59

6. *The Title of* Porphyrogennetus *in the Eaſtern Empire. And the Emperor of* Moſcovy *called* White King *or* White Emperour. p.60

Chap. VI.

1. Preſter John *or* Precious John *attributed to the Emperor of* Æthiopia, *or of the* Abyſſins. *The Title of* Padiſcha Preſtigiani *in ſome old Kings or* Chams, *of the Territory of* Cathay. p.63

2. Chan (*that is*, Lord *or* Prince) *in the Eaſtern parts, which we commonly call* Cham. p.65

3. *The Title of* Chaliph *in the Princes of the* Mahumedan Empires. p.67

4. Bench *or* Beg, Seriph *or* Xariffe, Sultan, Μεγας Αφεντης, Mully, Sid, Amir, Amirelmumnin *and* Padeſchah Muſulmin *among the* Mahumedans. p.69

5. Sophi *attributed to the* Perſian *Emperor.* p.75

6. Scha, Shaugh *or* Xa, *and* Mirza *in the Eaſtern States.* Σαὰ *in ſome* Greek *Writers.* p.77

7. Schahana, *with the Titles of* Auguſta Sanctiſſima Domina noſtra &c. *given to* Empreſſes. *And the Original of the* Engliſh *name of* Queen; *with that Law of the* Weſt Saxons, *which denied the Kings wives here the name of* Queens. p.78

Chap. VII.

1. *The* plural Number, *in the attributes given to* One *only, for a mark of greatneſs. How that is communicated to* Inferiors. *The calling of* Superiors *or* Inferiors *by their* Names. p.87

2. Dei gratia, *or* By the Grace of God, *in the ſtiles of Supreme Princes; and how communicated, by uſe, to ſuch as are of a ſubordinate dignity.* p.89

3. Majeſty *in the attributes of Supreme Princes. The uſe of it deduced into the* Roman Empire. *The uſe of the Appellation of perſons by* Abſtracts. Majeſty *how expreſſed and uſed in the* Eaſtern Empire; *and* Sacred Majeſty. Majeſty, *and* Grace, *attributed to the Kings of* England. p.94

4. *The attributes of* High *and* Mighty, Moſt Excellent, Illuſtris, Super-illuſtris, *with divers other ſuch. The pompous ſtiles of the* Greek *and* Mahumedan *Emperors.* p.99

Chap. VIII.

1. *Of* Annointing of Kings *and* Emperors; *and the uſe of it in ſeveral* Kingdoms. p.107

2. *The uſe of* Crowns, *as of* Enſigns *of* Royal dignity. *Of the* Diadem *of antient time; and how* Crowns of Gold *came into uſe among* Chriſtian *Kings.* p.120

3. *Of a* Scepter, *and the* Globe *with the* Croſs *infix'd on it.* p.137

4. *The* Inauguration *of ſome Supreme* Princes *that uſe no* Crowns. p.144

5. *Some* Ceremonials *of* Coronation. p.148

6. *A Corollary touching* Precedence *between Supreme* Princes p.207

The Heads of the Chapters

Of the Second Part.

Chap. I.

1. Of *the ſeveral Titles that the* heir *or* Succeſſor apparant *of the* Empire *hath had ſince the beginning of the* Roman *Monarchy; and firſt of* Princeps Juventutis. p.224

2. *The beginning and continuance of the Title of* Cæſar *by it ſelf, for the* heir apparant *or* Succeſſor *of the Empire.* ibid.

3. *The Creations and Enſigns of the* Cæſars, *that were Succeſſors apparant; and ſomething of their power.* p.227

4. *Of the Titles or Attributes of* Princeps Juventutis, *and* Nobiliſſimus *given to thoſe* Cæſars. p.232

5. *The ſeveral dignity of a* Nobiliſſimus, *which was beneath a* Cæſar. p.234

6. *Of the change of this Title of* Cæſar *in the Eaſtern Empire; and of the Titles of* Sebaſtocrator *and* Deſpote *there.* p.235

7. *The Titles of* King of Italy, King of Germany, *and* King of the Romans, *in the Succeſſors apparant of the Weſtern Empire.* p.239

8. *The Titles of* Comes *and* Dux; *and the Ranks of the* Comites *as they are Honorary or Officiary or both in the elder Empire.* p.240

9. *A form of the Letters of Creation of a* Count of the firſt rank *about five hundred years after our Saviour.* p.247

10 *A form of the Letters of Creation of a* Count of the firſt rank, *that was alſo* Conſiſtorian. p.248

11. *The form of the Letters of* Creation *of a chief* Comes Sacrarum Largitionum. p.249

12. *Of a* Comes rerum Privatarum. p.252

13. *Of a* Comes Patrimonii. p.253

14. *Of a* Comes Archiatrorum. p.255

15. *Of a Count of a Province.* p.257

16. *Of the Count of* Syracuſe. p.258

17. *Of the Count of* Naples. ibid.

18. *Of a Count of the* ſecond rank *for government of Cities.* p.260

19. *Of the* Gothique Count *for hearing and determining the cauſes of the* Gothes. p.261

20. *A Form of the Letters that made a* Duke of a Province. p.262

21. *Of the Enſigns of* Dukes *and* Counts *of the old Empire; and the officers that were either under them, or mix'd with them, or ſuperiour to them in government. And eſpecially the Garriſons, En-*

ſigns

ſigns uſed, and Government and Officers employed in the State of this Iland of Britain, *when it had two* Counts *and a* Duke *under the old* Roman Empire. p.263.

22. *The opinion of ſome that derive the dignities of* Comes *and* Dux, *out of the old cuſtoms of* Germany. p.272

23. *Of the beginning of* Feuds; *and how the dignity of* Count *and* Duke *came firſt to be Feudal and Hereditary in the Empire.* p.273

24. *Of* Feudal Dukes *in the Empire, and of the ſpecial number of* Four *in the dignities there.* p.277

25. *Of the antient courſe of* Inveſtiture *of* Dukes *and other Princes of the Empire by* Banners; *and of* Scepters *ſometimes uſed in* Feudal dignities *to Eccleſiaſtical Perſons.* p.278

26. *The Form of* Creation *or* Inveſtiture *of* Dukes *inſtituted by Pope* Paul *the Second.* p.281

27. *Of* Ducal Enſigns, *eſpecially their* Caps *and* Coronets. p.288

28. *The form of the Letters of* Creation *of the firſt* Duke *of* Auſtria. p.289

29. *The Form of the Letters of* Creation, *by which* Jacques de Croy *Biſhop of* Cambray, *was made Duke of* Cambray. p.293

30. *The Title of* Archduke; *and the Coronet of the Archduke of* Auſtria. p.299

31. Great Duke; *and the beginning of that in the Dukes of* Florence *by the Bull of* Pius Quintus, *with the* Ceremonies *uſed at the firſt Creation of it.* p.301

32. *Of the ſeveral kinds of* Graves *and* Counts; *and firſt of the* Schlecht Graven, *or ſuch as are commonly ſtiled* Graves *or* Counts *without addition.* p.311

33. *Of Counts* Palatin; *and firſt of the original of the Title of* Palatin *as it is Feudal.* p.314

34. *Of the* Feudal *title of* Palatin *in the* French *and* German *Empires.* p.316

35. *Of the Counts* Palatin *of the* Rhine p.318

36. *Of the Perſonal Title of* Count Palatin; *And firſt of ſuch as aſſume the Title by reaſon of twenty years profeſſion of the Civil Laws.* p.319

37. *Of ſuch as are created perſonal* Counts Palatin *by Patents. And firſt of the ſingular Title of* Count Palatin *charged with ſervice in the* Lateran *at the Emperor's Coronation at* Rome. p.321

38. *Of the Power that makes other perſonal Counts* Palatin *by Patent, with ſo much of a Bull of Pope* Paul *the third, as created the Referendaries of the Court of* Rome *into this Title, beſides other particulars of Papal power herein exerciſed. And of the ſeveral* Stiles *and* Names *of ſuch* Counts. p.323

39. *The Eſtates limited in ſuch Creations.* p.326.

40. *The Various Privileges uſually inſerted in ſuch Creations, with a whole form of a Patent of Creation of ſuch a Count* Palatin *made by* Rodulph *the Second. And the reſtraints of the Privileges of ſuch Counts, by the Bulls of* Pius *the Fourth and the Fifth.* p.326

41. *A Doctor of Philoſophy and Phyſick made by ſuch a* Count Palatin. 332

42. *The ſolemn giving the* Lawrel to Poets, *by ſuch a* Count Palatin. ibid.

43. *The original of giving the* Crown of Lawrel to Poets, *and the use of it in the later ages.* p.336
44. *Of publick Notaries made by such* Counts Palatin, *an example of power delegated by one of them to the Prior of* Winchester, *to that purpose.* p.342
45. *The reason of the several deductions made of Count* Palatin; *and why the* Feudal *Title is derived out of the* French Empire, *and the* Personal *out of the old* Empire of Rome. p.345
46. *The Title of* Comes Sacri Imperii *generally given without relation to any Feud or County.* p.346
47. *The Title of Marquess*, Marckgrave, *or* Comes Limitaneus. p.348
48. Landtgrave, *or* Comes Provincialis. p.351
49. Burggrave, *or* Comes Castrensis. ibid.
50. Vaivod. p.352
51. *Of* Barons *and their several names in the Empire, as* Semperfreyen, Freyheern, Freyen *and such more.* p.353
52. *Of the origination of the word* Baron. Bannerheer. p.354
53. *The various use of the Title of Prince or* Furst. p.356
54. Churfurst, *or Elector.* p.360
55. *Of* Capitanei *and* Valvasores. ibid.
56. *Of a* Ritter Geschlagen, *or a* dubbed Knight, *and first of the persons, by the antient Law, capable of that dignity.* p.361
57. *Of the* Privileges *of such* Knights *in the* Empire. p.362
58. *The* Origination *of such* Knights. ibid.
59. *The various* Ceremonies *used in giving this* Knighthood. p. 365
60. *The Ceremonies used at the Knighting of* William *Earl of* Holland, *when he was chosen Emperor.* p.367
61. *The Form of giving this order in the* Pontificale Romanum. p.369
62. *Of the Persons that give this dignity.* P.373
63. Armiger *or* Wapener. P.374
64. *Of Titles under Subordinate Princes in the Empire, had by Subinfeudation or otherwise.* P.375
65. *A summary Enumeration of the* States *of the Empire.* P.378

Chap. II.

1. *Of the Titles in* Swethland, *and especially of making of* Knights *in those Northern parts.* p.380
2. *The* Creation *and* Investiture *of a* Duke *in* Poland. p.384
3. *The* Investiture *of a* Vaivoid *by the King of* Poland. *Of the Title of* Vaivod, *of* Palatinus *there. And* Boiari *and* Armigeri *in* Moldavia. ibid.
Of Barones *in* Poland, *and* Boyarones *in* Leytow, *and of other Titles in* Poland. p.386
5. *Of Titles in* Hungary. p.388
6. *Of those in* Boheme. p.389
7. *The* Titolati, *as* Princes, Dukes, Marquesses, *and* Counts *with their* Coronets, *in the Kingdom of* Naples. *The Title of* Archduke *once there.* p.390
8. *The*

8. *The general and distinct Notion of the Title of* Barons *there.* p. 392

Chap. III.

1. *The Title of* Daulphin *in* France. Le Roy Dauphin, filz aisne du Roy de France; *And* filz du Roy de France; *And of the Titles of the younger sons.* p. 397
2. Princes du sang, *or Princes of the Blood.* Primier Prince du sang, *and the* Monsieur; *with their* Chaplets *or* Coronets. p. 400
3. *Other Titles of* Princes, *Personal and Feudal. The Title of* Capital, Capitalis, Capitaneus, *or* Capdaw. *Of* Coronets *belonging to these.* p. 403.
4. *The* Feudal Title of Prince of Guyenne, *given by King* Edward *the third of* England, *to* Edward the Black Prince *for life, and the Charter with the Kings explanation of it. Something of this* Princes *Government there, and the surrender of his interest.* p. 405.
5. *Of the Officiary Titles of* Dux *and* Comes, *and when they became to be of Feudal Inheritance in* France, *with the Soveraignty that antiently accompanied some of them.* p. 411
6. *Of the* Creation *and* Investiture *of some antient* Dukes *in* France, *by the* Sword *and* Ducal Coronet; *with some other principal Ceremonies at such* Investitures. p. 413.
7. *The Form of the* Creation of John *Duke of* Lancaster *into the Title of Duke of* Aquitaine *in the Parlament of* England *under* Richard *the Second, and his* Investiture *by a* Ducal Cap, *and a* Rod of Gold. p. 420
8. *Of the* Coronets *of* Dukes *of the later times in* France, *and the Forms of some later* Creations. p. 423
9. *The Title of* Count, *as it hath been in the* Comites Majores, *and the promiscuous use of it with* Duke; *and the distinction of* Duke *as greater, from it.* p. 425
10. Comites Minores, *or* Counts *of Inferior dignity to* Dukes. p. 427
11. *Of the* Creation *or* Investiture *of* Counts; *and of the* Coronet *belonging to them.* p. 428
12. *Forms of giving the* Counties *of* Bolloign *and* Flanders, *as* Counties *immediate to the Crown.* p. 429
13. *The Form of giving the County of* Bigorre *by* Edward *Prince of* Aquitaine. p. 432
14. *Other antient and later Grants of the Honor of* Count *without mention of any Rite of* Investiture. p. 433
15. *Of the rite of* Girding on a Sword, *mentioned in some Charters of Creation of* Counts *in the Duchy of* Normandy. p. 434
16. *The Titular addition of* Palatin, *in* France. p. 436.
17. *Of the* Peers of France; *and a Form of Creation of a* Pairrie. p. 437
18. Marquesses; *their antient and later* Creations *and their* Crownet. p. 439.
19. Viscounts; *the antient* Creation *of them, the* several sorts of them, *and their* Crownet. p. 441
20. *The* Original *and* Nature *of* Vidames. p. 445

21. Barons

21. Barons; *the general and particular* signification of the word and Title. *Their* Creation. Chaſtellains. *The* Fillet, *or* Crownet of Barons. p.446

22. *Summary* Poſitions of Law, *touching moſt of the* French Feudal Dignities, *out of the* Code of Henry *the Fourth.* 450

23. Knights *or* Chevaliers *and* Knights Bannerets; *with the* Creation *of them. Of the right of bearing a* Banner, *or* Arms *in* Drappean quarrè. p.451

24. Knights Bachelors; *their* Creation *and the* Deduction of their name, *and the various uſe of* Bachelor. *And ſomething of their peculiar right of uſing* Seals. p.455

25. *Of* Knights *of the order of* the Star; *of Saint* Michael; *of the* Holy Ghoſt; *of* the Golden Fleece. p.459

26. *Of* Orders of Knighthood, *of leſs note; eſpecially that* of the fair Lady in the Green field, *inſtituted under* Charles *the ſixth, by* Meſſier Boucicaut *Mareſchal of* France. p.461

27. *Of* Eſquires *there.* p.462

Chap. IV.

1. Principe de las Aſturias, *the Title of the Son and heir apparant of* Spain. *His Creation.* Principe de Navarre, *and* de Girona. p.464

2. *The uſe of* Dux, *and* Comes, *antiently in* Spain. *The title of* Duke *in* Caſtile, *&c. with the* Crown *belonging to it, and the Form of the Letters of* Creation. p.465

3. *The Title of* Marqueſs *there; the Patent of* Creation *of it, and of the* Crownet belonging to it. p.469

4. Condes; *their* Creation *and* Crownet. *The* Banner *and* Caldron *at their Inveſtiture, antiently.* Conde Palatino. p.473

5. Vizcondes. p.476

6. *The Title of* Ricos Hombres, *and their Inveſtiture by a* Banner *and a* Cauldron *or* Pendon y Caldera *alſo, as that of* Condes. Grandes. Barons, *and* Caſtellans. p.477

7. *The Cuſtom of the Kings* renewing the Titular name *to the heirs of moſt of the great Dignities in* Spain. p.478

8. Cavalleros de Eſpuela dorada, *or Knights of the Golden Spur. Their* Creation, Pivileges, Degradation, *out of* Spaniſh *Writers.* p.479

9. Cavalleros armados, *and* Cavalleros de alarde, o de premio, o de guerra, o quantioſos. p.481

10. *Laws or* Pragmaticas de las Corteſias, *and bearing* Coronets. p.483

Chap. V.

1. Prince of Wales. Filius Regis primogenitus. Clyto. Etheling. p.493

2. *Of the two antient Titles of* Earl *and* Baron *in* England; *and the names of* Ealdorman *or* Earl, *and* Thane, *uſed for the ſame dignities in the ages before the coming of the* Normans. Subregulus, Regulus Princeps, Dux Heptoga, Conſul, Geriᵹe, *in thoſe times.* p.500

3. *Of the* poſſeſſions *and* profits *belonging to the dignities of the* Saxon

Saxon Ealdormen *and* Earls. *Of their eſtates in their* Earldoms, *and the* Relief *then payable at their deaths.* p.509

4. *The* Poſſeſſions *belonging to* Thanes, *or the* Tainlands *of that time: and the* Reliefs *payable at the death of* Thanes. *Of the* Feudal Title *of* Vavaſor, *which after the* Normans *expreſſed the* Middle Thane. p.515

5. *Of the* Juriſdiction *that belonged to the dignities of the* Saxon Ealdormen *or* Earls, *and* Thanes, *in the Territories which either denominated them, or were poſſeſſed by them.* p.520

6. *Of their* Juriſdiction *in the* Pitenagemote, Great Councels *or* Parlaments *of that time.* p.524

7. *Of the Title of* Earl *after the coming of the* Normans. *Of the word* Comes *which expreſſes it; and the fancy that antiently attributed the reaſon of that Latin Title, to an* Earls *participating the* third part of the profits *of the County Court with the King.* p.526

8. *Of* Earls *and* Counties Palatin. p.529

9. *Of the Farms of the* Charters *of* Creation *of the Title of* Earl Palatin. p.533

10. Earls, *not* Palatin, *but Local. Of the ſeveral* forms of Charters *of their Creation.* p.534

11. *Of their* Earldoms *or* Honorary poſſeſſions *and* Reliefs. p.552

12. *Of ſome teſtimonies that may ſeem to prove that the antient* Earls, *as* Earls, *had a* general power *of* Government *in their Counties. A juſt interpretation of thoſe teſtimonies.* p.557

13. *Of the* girding with the Sword, *at the* Inveſtiture *of* Earls. *And the antient uſe of it at* Inveſtitures, *upon or after* Liveries, *or* ouſter le mains *of* Earldoms. p.559.

14. *Of the* Crownets *of* Earls. p.562

15. *The* perſonal title of Earl. Earl Marſhal. *And the perſonal Title of* Earl Palatin *antiently uſed in* England. p.564

16. *The Title of* Baron *uſed here after the* Normans. *The various uſe of the word; And how, for the moſt part the Honorary* Barons *are expreſſed without the addition of it.* p.569

17. *Of the* Nature *and* Creation *of* Barons *after the coming of the* Normans, *until about the later time of King* John. *Of the number of* Knights Fees *given by* William *the firſt.* p.571

18. *The teſtimonies that ſhew the Temporal* Barons *and* Baronies *of that time, between the coming of the* Normans *and the later time of King* John. *And of their* Reliefs. p.574

19. *The beginning of* Spiritual Barons (*as* Barons *by tenure*) *under* William *the firſt; and the teſtimonies that likewiſe ſhew who they were in the ſame ſpace of time.* p.577

20. *The chief paſſages that mention both the* Spiritual *and* Temporal *together as having place and voice in the* Parlaments, *or great* Councels *in that ſpace of time.* p.580

21. *Of the alteration that fell on the dignity of* Barons *and on* Baronies *about the end of King* John. p.586

22. *Of* Baronies *and* Barons *by* Tenure and Writ, *and* Barons by Writ only, *after that time until about the middle of* Richard *the ſecond. And firſt of the form of the* Writs of Summons *of that time.* p.591

Of the ſeveral kinds of Perſons *ſummoned as* Barons *by thoſe* Writs; *and moſt eſpecially of the* Regular Barons, *as* Abbots, *and the like.* p.596

24. *Of diſcharges of the dignity, given to ſome* Regular Barons, *becauſe they neither* held by Barony, *nor had their Predeceſſors been conſtantly*

ſtantly called to Parlaments.. p.604
25. *Of the Title of* Banneret, *in that notion wherein it is ſometimes uſed as a Synonymy to* Baron. p.608
26. *Of the common opinion that ſuppoſes a* Barony *to conſiſt of thirteen* Knights Fees and a third part. p.610
27. *Of the Title of* Baron *from the middle of* Richard *the ſecond to this day. And firſt of the form of* the Writ of Summons *that* creates *and* calls Barons; *and of the* Regular Barons *that were in that time.* p.615
28. *Of* Barons *created by* Patent, *and the* forms of the Patents *of* Creation. p.617
29. *Of the Title of* Duke. *The* beginning *of it*; *The* Inveſtiture, Enſigns, *and* Patents of Creation. p.621
30. Marqueſs. *The* firſt Creation *of that Title. The* Inveſtiture, Enſigns *and* Patent of Creation. p.627
31. Vicount. *The* firſt Creation *of it. The* Inveſtiture, Enſigns *and* Patent of Creation. p.630
32. *A ſhort Corollary of the Title of* Peers of the Realm *attributed to all thoſe* Parlamentary dignities. *And ſomething of their habits and general Titles given to them. And the Title of* Earls *and* Lords *attributed to ſome that are not Peers.* p.634
33. *The ſeveral notions of* Knight, Miles, *and* Chivaler *in* England. *A diviſion of the honorary Title of* Knight *there*; *and firſt of* Knights Bachilers, *and of the quality of the* perſons that have either Given or Received *that dignity* p.636
34. *Of the* Courtly Ceremonies *and circumſtances antiently and of late uſed in giving the dignity of a* Knight Bachiler. p.639
35. *The* ſacred Ceremonies *uſed antiently at the giving the ſame dignity.* p.646
36. *Of* Aid *to make the* eldeſt ſon *a Knight.* p.649
37. Reſpects of Honor *both in the antienter and later times given to this dignity legally.* p.650
38. *Of the* Degradation *of a* Knight Bachiler. p.653
39. *Of* Knights Bannerets. p.656
40. *Of the* Occaſion *and* Time *of the* Inſtitution *of the* Order of the Garter. p.657
41. *Of S.* George *the* Patron-Saint *of that* Order. *The chief teſtimonies in the Eaſtern parts, or in the* Greek *Church, concerning him.* p.659
42. *The chief teſtimonies concerning him in the Weſtern Church.* p.668
43. *A conſideration how he came to be taken for the* Patron-Saint *of the* Engliſh *Nation, and of his Feaſt day.* p.672
44. *Of the figure uſually expreſſing Saint* George. p.677
45. *Of the* Order of the Bath. p.678
46. *The Title of* Baronets. p.679
47. *Of the Title of* Eſquire, p.687

Chap. VI.

1. *Titles of Honor in* Ireland. *Of* Earls *both* Palatin *and others there.* p.693
2. *Of* Vicounts *and* Barons *in* Ireland. p.696

3. *Of*

3. *Of other dignities there, and the antient form of Knighting used by the* Irish *Kings.* p.697

Chap. VII.

1. Prince of Scotland; Duke, Marquess, *and* Vicount *or* Procomes *there. And the* Investitures *or solemn* Creations *of a* Duke, Marquess, *or* Viscount. p.698
2. *Of the Title of* Earl *and* Baron *there, and of* Thanes. *The Investiture of* Earls *and* Barons. p.700
3. *The solemn* Creation *of* Knights *in* Scotland. p.703

Chap. VIII.

1. *Of the Title of* Gentleman, *as it is absolutely in common speech, or* Nobilis. Gentlemen *of blood.* p.705
2. **Edelman, Frey vom Adel,** Æthel. *Whence the name of* Gentleman, Gentilhome, Gentilhuomo, Gentilhombre *and* Hydalgo *are to be deduced.* p.708
3. *Of Creations of the Title of* **Edelman,** Gentilhuomo, *or* Nobilis, *by* Codicilli Honorarii, *Charters, or such instruments. Ennobling by the* Pope. *Creation by a kind of* Adoption *to a Family.* p.716
4. *The form of Ennobling in* France *by Edict and Letters Patents, and of the like in* Spain, remissivè. p.719
5. *Forms of ennobling or raising to the state of a* Gentleman, *or* Nobilis, *by Patents in* England. p.722

Chap. IX.

1. *Of Feminine Titles; and of the Creation of a* Duchess, Marchioness Countess, Vicountess, *and* Baroness *in* England p.724
2. *Of the* Communication of Titles *of* Honor to women, *from their* Husbands, *and of enjoying some as* Consequents *only of their* Husbands *or* Parents. *The title of* Lady, *or* Domina. p.726
3. *Of the hereditary* transmission *of Titles of Honor to* Heirs *of either sex.* p.728
4. *Of* Transmission *of them by* Assignments *or grants.* p.730
5. Transmission *of them by the very* possession *of the* Feuds *to which they have been annexed.* ibid.

Chap. X.

1. *Honorary* Attributes. *And of* Clarissimus *and* Illustris *especially in the* antienter time *of the* Empire, *or before* Constantine *the great.* p.732
2. *Of* Illustris, Clarissimus, Spectabilis, Perfectissimus, *and* Egregius, *and their Abstracts, after the age of* Constantine. *Of* Glorioſissimus, *and those that were* Super Illustres. *The Abstracts of* Celsitudo, Magnificentia, Eminentia, *and such more in the old* Empire. p.734

3. *Of ſome ſuch kind of Honorary Attributes in the* preſent States *of* Europe, *and the great changes that time hath exerciſed on ſome of them.* p.738.

Chap. XI.

1. *Of* Precedence *in general; and more particularly of the* Precedence *of ſome Officers, Dignities, and other qualities, in the old ſtate of the* Jews. p.740

2. *A ſummary deſignation of the Laws of the Empire, touching* Place *and* Precedence *between* Secular *dignities.* p.742

3. *Of ſome Laws and Decrees of like nature in ſome other States; eſpecially in* England. *And of Laws of* Precedence *between Eccleſiaſtical dignities.* p.744

4. *Of* Liſts, Commentaries, *or* Treatiſes *touching* Precedence. p.753

5. *Of particular* Queſtions *and* Deciſions *touching* Precedence. p.754

TITLES

TITLES OF HONOR.

The First Part.

CHAP. I.

I. *The* Purpoſe *and* Diſpoſition *of the whole work.*
II. *The twofold* Original, *of the Supreme Titles of* King *and* Emperor.
III. *Of the* firſt Kings *which, in antient Story, are attributed to the time* before the Flood.
IV. *Of the* firſt King *and propagation of Kingdoms after the* Flood.

TItles *of Honour*, being thoſe Various Names of Greatneſs or Eminency, which are the moſt diſtinguiſhing Titles of Civil dignity, are either *Eccleſiaſtical* or *Temporal*. The *Temporal* Titles of Honour (for we wholly omit all *Eccleſiaſtical*, as Eccleſiaſtical) are either *Supreme* or *Subordinate*. The *Supreme* are either belonging to *Singular perſons* in independent Monarchies, as *Emperour*, *King*, and what elſe is ſo Supreme according to the Cuſtoms and Languages of ſeveral Nations, or ſuch as in Popular States and Optimacies are the Honouring titles of *More in one Body*, or of that Number which hath in it the Supreme Rule of the State. The Subordinate belonging to *Singular Perſons* (thoſe that belong to *more in one body* we omit alſo) are either ſuch as are *primarily Officiary*, and only *by Conſequent*

Conſequent of their Offices, *Honourary*, as *Viceroy*, *Conſtable*, *Chancellor*, *Admiral*, *Preſident*, and many other alſo of far leſs dignity; or ſuch as are *Primarily Honourary* and have their Offices or power (where any belongs to them) rather conſequential or annext to their Honours, as the ſeveral titles of *the Heirs or Succeſſors apparent of ſupreme Princes*, that of *King as it hath been attributed to ſome Subjects*, *Archduke*, *Great Duke*, Palſgrave or *Count Palatin*, Landtgrave, *Prince*, *Marqueſs*, *Count* or *Earl*, *Vicount*, Vidame, *Baron*, *Banneret* and the reſt of Temporal dignities to that of *Gentleman* or *Nobilis*; or ſuch as expreſs only *Degrees of Learning*, as *Doctor*, *Maſter*, *Licentiate* and the like. Theſe of the laſt kind likewiſe wholly, and the firſt that are *primarily officiary* we omit here; ſaving where ſometimes they conduce to the right underſtanding of ſuch as are primarily Honorary, which are only the Subject of the Work.

In the Handling of the Titles thus deſigned for the Subject, we make *two parts* of the Work according to that diviſion of *Supreme* and *Subordinate*. One for each of them. Yet ſo, that the title of *King*, as it hath been ſometimes given to ſubjects (excepted only that of *King of Italy*, *King of Germany*, or *King of Romans*, as it denotes only the apparent Succeſſor in the Empire) is caſt into the *Firſt Part* with the title of *King* which is *Supreme*. It was the eaſier and clearer method to do ſo. And all denomination being from what is moſt or greateſt, the *Firſt* will ſo remain proper enough to *Supreme Titles*.

Thus, the *beginning of Supreme Kingdoms*, or *the firſt King*, the Titles of *King* and *Emperor*, *Queen*, and *Empreſs*, the title of *Lord* and ſuch like given as *Eſſential* and *General* to ſupreme Princes, with that of *a ſubject King*, have their place in the *Firſt Part*. But alſo, becauſe the moſt of Supreme Princes have other names or Titles which are *Accidental* or *Particular* to them, and alſo *Forms of ſpeech* and expreſſion, and *Ceremonies of Coronation*, or *Inveſtiture*, with *Enſigns* proper, for the moſt part, to Supreme Majeſty, therefore alſo, thoſe *Accidental names*, *Forms of ſpeech*, and *Ceremonies* and *Enſigns*, with ſome other incident particulars touching their Honour, are likewiſe added. *Accidental Names* I call thoſe of *Cæſar*, *ſemper Auguſtus*, or zu allen zeiten Mehrer deſz Reichs, that is, *always an increaſer of his Empire*, as it is in the *Dutch* titles of the Emperor, *Le Roy treſchriſtien*, Defender of the Faith, *Catholique King*, *Amir Elmumenin*, *Preſter John* (as we commonly call the Emperor of the *Abaſſins*) *Sophi* (for in the Supreme titles we take alſo thoſe of the *Mahumedans*) and the like; in the memory of which ſome other of the elder times, as that of *Pharaoh* and *Ptolemy* in the *Ægyptian* Kings, *Porphyrogennetus* in the Greek Emperors, and ſome more of the ſame nature are inſerted. The *Forms of ſpeech*, or expreſſion, underſtood here, are thoſe of ſpeaking in the *plural number*, that of the addition of *By the Grace of God*, and the Attributes of *Majeſty*, *Serenity*, *High and mighty*, and the like. And under *Ceremonies* and *Enſigns*, are comprehended here, the *Annointing*, the *Crown*, the *Scepter*, the *Globe and Croſs* with ſome ſuch more, that beſt appear out of the *Ceremonials of Inaugurations*, ſome of which are tranſcribed hither and others noted by direction to them.

In the *Second Part*, the *Original*, *Continuance*, and *Being* of the Subordinate Titles are handled, together with their *Enſigns*, *legal Forms of Creation*, and ſuch more. But ſo, that what was thought fit to be ſaid here concerning the Title of Gentleman, is by it ſelf caſt into one Chapter,

ter, the rest being divided, for the most part according to several States wherein they are too disproportionate and incommensurable one to the other, to be well mixt together. But because in the just consideration of them we cannot but fall on some *Obsolete names* of Dignity which were either the same or very proportionate with some of them, as also upon the Nature of *Feuds* or *Noble Tenancies*, out of which the greatest part of those Dignities, as they are now in *Europe*, have been raised, besides some more *general Attributes* which the stile either of Present or antient Custom hath given to them; therefore those *Obsolete Names*, the *beginning and Nature of Feuds*, and somewhat of those more *general Attributes* are also added. By the *Obsolete Names* I understand here those of *Princeps Juventutis*, *Sebastocrator*, Ethling, *Clyto*, and such like. And under the name of *Attributes* more *general* than such as denote this or that Dignity, I mean those additions of *Clarissimus*, *Spectabilis*, *Illustris*, *Superillustris*, and such more. To these as Corollaries, at the end of each part we joyn something of *Place and Precedence*. So much as may give good directions in questions that may arise of it; but so little and in such sort as that we may be sure here to decline both the Envy and Dislike that may follow the Determination of any point concerning it. The Purpose and Disposition of the whole being thus designed out (the more particular method whereof more fully appears in the Arguments prefixt to every Chapter) First of the beginning of Kingdoms, the first King and Propagation of that title.

II. That Supreme Title of *King* or *Emperour* (as we now understand the name of Emperour) which is distinguished from other dignities in this that it acknowledges no Superiour, but, according to the various institution of several Kingdoms, is accompanied with the highest rights of Majesty and Sovereignty, hath a twofold original to which all Supreme Kingdoms have relation; either from the power of the Sword or *Conquest* used by some Ancestour of the present Kings, who thence, as heirs, derive their Sovereignty in the Territories, and over the people of their Kingdoms, or by some *Choice* proceeding from the opinion of the vertue and nobleness of him that is chosen. The Kingdoms made by the first course, being of their own nature hereditary; those that have begun by Choice have been in some particulars also hereditary, and in other have continued elective. Of the form of the first, we have examples in the beginning of the *Assyrian* Monarchy, in the accession of the title of *King* or *Emperour*, over divers conquered Countries, to the old *Roman* Emperours, and such like, besides the Kings of *Castile* and *Portugal*; there being in the title of the Kings of *Portugal* an express mention of such a beginning in part of their Dominions. For they are called Lords *da conquista & navegaçam & commercio da Æthiopia, Arabia, Persia, & de India*, that is, of the Conquest, Navigation, and Commerce of *Æthiopia, Arabia, Persia*, and *India*. And for that second course which is by Choice, it may be seen in the antient Kings of the State of *Greece*, in *Deioces* among the *Medes*, in that of *Numa*, who as some of his Successors also, was chosen King of *Rome* upon the *Interrex* his pronuntiation of *Quod bonum faustum, fœlixq; sit, Quirites Regem creare, ita patribus visum est*; in the Kingdom of *Poland*, in the election of the Emperours of *Germany*, and the like. Neither was the Kingdom of the *Israelites* (if we regard only the humane way of instituting it) begun otherwise. For there the people having referred themselves to *Samuel*, for

the election of their King, he made a choice for them in the anointing both of *Saul* and *David*, from whom the title continued hereditary.

III. Under what Time the *Beginning of Kingdoms* or the *First King* should be placed, is most uncertain. For, although in the time before the Floud, there be no expres mention in the holy Story of a King, and that the common opinion be that in *Nimrod* or *Belus* (Father to *Ninus*) the first Monarchy began after the Flood, yet there is reason enough to conjecture that there were Kings also long before both him and the Flood. For, besides that *Cain*'s building of a City, and denominating it from his Son *Enoch*, seems to have a character of a Kingdom in it, *Cedren*, instructed out of the Antients, goes as high here as possible, and makes *Adam* the first King & Governor, and that with reason enough. οὗτος, saith he, ἠρμόσατο τῷ γένει τῶν ἀνθρώπων ἐπὶ ὅλης αὐτοῦ τῆς ζωῆς, *He governed or commanded all mankind, as long as he lived*; and [a] *Seth* succeeded him in that Empire. And if we might believe that of *Alexander* the Great his letter to *Aristotle*, of which *Joseph Ben* [b] *Gorion*, an *Hebrew* Authour indeed of no great credit, tels us, *Kenan* the Son of *Enosh*, or *Grandchild* to *Seth*, was מולך על כל העולם כלו *Emperour over all the World*, and buried in an Iland of the East *Indian* Sea, and that the memory of it remained there in tables of stone in *Alexanders* time, as he relates also to *Aristotle*. And besides, we see in those of the following times, who have left us fuller testimonies of particular forms of Government, that Monarchy hath continually been, and, to this day, is not less generally admitted and established in all Nations, than as if it were derived out of the Law of Nature, which doubtless was not less followed in those many Ages before *Nimrod*, than it hath been since him. And thence is it that divers good Authours have without question supposed the Monarchick Government, both to have been presently upon the first times, and also that, in the frame of Nature it self, Man as a civil Creature was directed to this form of subjection. *Principio rerum* (saith *Justin*) *gentiumque imperium penes Reges erat, quos ad fastigium hujus Majestatis non ambitio popularis sed spectata inter bonos moderatio provehebat.* And *Seneca* to the same purpose; *Primi mortalium, quiq; ex his geniti, Naturam incorruptam sequebantur, eandem habebant & ducem & Legem, commissi Melioris arbitrio. Naturæ est enim potioribus deteriora submittere.* As if the sole observation of Nature had necessarily led the affections of men to this kind of State. Whence it is also, that while others of the most curious, in their Philosophy tell [c] us of the Angels, and the supreme Heavens being immediatly governed by the first Maker of all things, of the Planets and other Stars being ruled by the Sun, and of separated Souls and the Air being subject to the Moon, they add together that, upon Earth, Kings are in like sort Governours, as if natural reason had first ordained them on Earth by an unavoidable imitation of the Creators providence used in that institution of a Monarchy or Government in the Air, Stars, and Heavens. Neither do the antientest Gentiles otherwise speak of those elder times, than with a clear supposition of Monarchy, even in the Infancy of the World; those Kingdoms of *Saturn*, *Jupiter*, *Neptune*, *Pluto*, and the like, fully denoting as much. For under those names applied to distinct Kingdoms, not Gods, but the Monarchs of Land and Sea in the first times [d] were understood. But to omit the Conjectures that may be thus drawn either out of that known consent of Nations of later time, or from the Opinions of those Antients which derive a Monarchy out of the institution of Nature, and so place.

a *De ano illo videsis Jacobum Boulduc lib.* 1 *de Ecclesia ante legem cap.* 15. *Jos. Salianum &c.*

b *Lib.* 2. *cap.* 11. *atque inde, idem habent.* Rabbbi Abr. Zacuthius *in* Juchasin *fol.* 6. *b.* & *R.* David *in* Tzemach *fol.* 2. *b. Part.* 2.

c *Hermes Trism. in* Κόρη τ Κοσμ. *ejusmodi fere Commentum habet Ecphantus Pythagor. apud Stobæum,* λογ μς.

d *Euhemerus apud Lactant. lib.* 1. *de falsa relig. cap.* 11.

place it equal with the first Age of the World; we have also expres testimonies of the Kings of *Chaldæa* that began to reign long before the Flood, as *Alorus*, *Alasparus*, *Amelon*, *Amenon*, *Metalarus*, *Daorus*, *Aedorachus*, *Amphis*, *Otiartes*, and *Xisuther*, in whose time (they say) the Flood came. Neither is the relation of these Kings to be wholly contemned as suppositious, in regard we have it from that most antient and learned Priest of *Belus*, the true *Berosus*, who lived about MM. years since, and out of the memories of the *Chaldees* (which they had received by tradition and preserved in writing) composed the body of the *Chaldean* or *Babylonian* History; and from *Berosus* it was long since received as a Story of credit by those Authours of great name, *Abydenus*, *Apollodorus*, *Alexander Polyhistor*, and others, cited and used to this purpose with *Berosus* in *Josephus* and *Eusebius*. Nor is it rashly therefore to be rejected because the holy Story of *Moses* justifies it not. So, and upon a like reason, might we deny that ever *Enoch* made any prophecie, although Saint *Jude* cite it. But, as that of *Enoch* is supposed by the most learned [e] *Tertullian*, and others, to have been as a tradition to Posterity conveyed through them which were saved in the Ark (that we may omit here the Relations of the Wives of *Cain* and *Seth*, and divers such other particulars of that time in *Josephus*, *Epiphanius*, *Cedren*, the Chronicle of *Alexandria*, *Said* [f] *Aben Batrique* Patriarch of *Alexandria*, and the like) so might this of the *Chaldean* Kings be preserved, and from the same persons delivered to such as might afterward commit it to writing; which were not at all difficult to conceive, if *Xisuther*, the last of them, were, as *Cedren* tels us, no other than *Noah* himself. Besides also, *Berosus* delivers that the *Chaldee* Stories testified that the memories of the Times before the Flood were written, and by command hidden in the Earth at *Heliopolis* or *Bethsemesh*, whence they were afterward taken and preserved in *Babylon* for Posterity. But indeed, if we think of those Kings together with the years of their Reigns, as they are expressed out of *Berosus*, the Story of them may seem not only incredible, but most ridiculous. For, he that hath fewest years among them, reigned, saith *Berosus*, no less than the space of three *Sari*, that is (as they compute) XMDCCC years, every *Sarus* being accounted MMMDC and some of them continue XVIII *Sari*, which is LXIV. M. DCCC years; the whole number of the Reign of all ten of them, being CXX *Sari*, which is CCCCXXXII. M years. But that great affectation which the Eastern people, besides the *Ægyptians*, had of deriving their States through many millions of years, might be cause enough of this portentous supputation; and yet the beginning and succession of the Kings, perhaps true enough. And it may justly be doubted that either the various tradition and transcription of several Ages and Authours did beyond measure increase the numbers, or that these are not rightly apprehended while we see that the whole content of the Ages comprehended in those Stories of the *Chaldees* (as is also remembred out of *Berosus* by *Alexander Polyhistor*) amounts not near the number of the Reigns of all those Kings. For it is expresly limited to fifteen Myriads, or a hundred and fifty thousand years in the same *Berosus*, from whom we receive those ten Kings that take up CXX *Sari*, or CCCCXXXII. M years. Whence it must follow that either we reckon not right when we attribute to every *Sarus* MMMDC *Solar* or *Lunar* years, or else that the number comprehended in the *Chaldee* Stories, which were most carefully kept, as he saith, in *Babylon*, is falsly designed by fifteen Myriads; the

e *De cultu Feminarum libri*, cap. 3.

f *Ms. Arabicè de Æris*, in Bibioth. Cottoniana.

g *Cicero de Divinatione, lib.* 1.

the truth being also that other of the Antients g speak of a far greater number of years in the *Chaldee* Stories, than is yet here mentioned. So that we may conceive, that, as well as their accounts of years so exceedingly increased and differed in themselves, even after such time as they had brought them to most ridiculous summs, they might likewise at first (while yet the Reigns of their Kings were within the limits of Mans life) through that common disease of their affectation of Antiquity, add some Ages to every of them, and afterward so often iterate such kind of addition, that at length so many thousands, as they dreamt of, might be so produced. But also some old Authours, to take off this absurdity of number of years, and so to salve that of the *Chaldean* Monarchy before the Flood, have far otherwise understood the space of time contained in a *Saros*. For they (I mean those Greek h Monks *Panodorus* and *Anianus*) take it not for MMMDC years, but for so many days, although the very words of *Abidenus* be ὅτι χ. ᾗ τ. ἴπα, that is, a *Saros* is the space of MMMDC years. So that this way, by the liberty of changing one notion of a space of Time into another (which is often used in matters of greater moment) the space of a *Sarus* shall be but about ten years, or indeed exactly ten of those years, which, consisting only of CCCLX days without the five *Epagomenæ*, were used in the Eastern Parts. And thus, the CXX *Sari*, or the whole Age of those ten Kings comes but to MCC years, if they be resolved into those years of CCCLX days, or to MCLXXXIII years six months and XXV days, if they be accounted by the old *Ægyptian* or æquable years of CCCLXV days, which make the common year at this day. And thus also the longest Reign among them will fall out to be but CLXXX years, which is a time short enough in regard of the Ages before the Flood. This account being presupposed, those Monks divided the time before the Flood into χρόνος ἀβασιλεύτος (as they call it) that is, the time wherein there were no Kings, and χρόνος βασιλεύτος, or the time which had Kings. That wherein no Kings were (if we reckon according to the true Chronology of that Time, and not by the account of the Septuagints, which those Monks, as the most of other Greek Authours, use) falls to be about CCCCLX years after the Creation, and the rest, which is about MCC to the Flood, is the time of those Kings we speak of. So that by this fancy, (which indeed *Georgius Syncellus* by no means would admit) about CCCCLX years after the Creation, the first King *Alorus* began to reign, as a man designed by God himself to be τῦ λαῦ ποιμήν, that is *a Shepherd of the people*, as *Abidenus* speaks of him. And he was, as the rest of his Successors, of the race of the Giants of that Time, if at least we might herein give credit to the Authour of the Chronicle of *Alexandria*. Neither were the *Ægyptians* Histories without a Race of Kings among them, in the time also before the Flood.

h *Georg. Syncellus apud Scalig. in Not. Euseb. pag.* 246.

IV. In some of the Greek Stories, that Eastern Kingdom of the *Chaldees* is continued through the Flood in *Noah*, whom they make the same with *Xisuther* the last of those ten Kings. And from him they derive the supreme Monarchy of the Earth then inhabited, to *Sem*. For upon that division of the Earth, which they suppose he made to his three Sons by his Testament, which he sealed up and delivered, they say, to *Sem*, not only a third part, but the Chief Empire of all was transferred to *Sem*, ὃς ᾗ τῶν, as their words are, ἡγεμονίαν διεδέξατο μετ' αὐτόν, that is, *who succeeded to* Noah *in the Empire*. And thus if *Noah* were the same with *Xisuther*,

Xisuther, he was King about CLXXX years before the Flood (if the *Sarus* be accounted by the days, as is before noted) and continued so until his death; his Son *Sem* succeeding him. But also the other two Brothers *Cham* and *Japhet*, having those large Territories designed them in the holy Story, were Kings too, it seems, but inferiour in dignity. *Cham* having the South, as *Sem* the East, aud *Japhet* these Western Parts. And this title of King in *Sem* is in expres words noted in the holy Story also, if at least, according to the most received tradition, *Sem* and *Melchisedech* were the same person. For he is named the *King of Salem*.

But the most commonly received opinion of the first Kingdom or Monarchy, is that which supposes *Nimrod* to be the Authour of it, and is grounded upon that Text of the holy Story which tells us, that *the beginning of his Kingdow was in Babel, and Erech, and Acad, and Chalna, in the Land of Sinahr*; this being indeed the first mention of a Kingdom that occurrs in *Moses*. And that Territory which is assigned to him denotes him the King of *Babylon*, or of the *Assyrians*, whose Empire is usually taken for the first Monarchy of the World. With this received beginning of a Monarchy, we cannot but consider also the *Time* or *Age of it*, the *various names* that are given to him that began it, besides the *propagation of the title of King and of Kingdoms* through the Earth.

The just time wherein *this Kingdom began in Nimrod*, is not enough certain. But among the Antients, the most common opinion is, that it falls in the Age of *Abraham*, about CCCXL years after the Flood. And some great Chronologers of our Time will likewise have it so. And the holy Story giving no expres character of exactnes of time herein, they commonly take this for a clear ground, that at the time of the building of the Tower, and the confusion of Tongues, *Nimrod* had possessed himself of this Empire. For by the direction and command of him, as of a King, they say, the Tower, whence the confusion followed, was built. So *Josephus*, being a Jew, writes, so *Epiphanius*, *Eucherius*, the Authour of the Chronicle of *Alexandria*, *Constantine*, *Manasses*, *Cedren*, and others. Now the confusion is placed by the *Jews* in their Chronicles, about CCCXL. after the Flood, and about the XLV year of *Abraham*'s age; that of *Ebers* naming [i] his Son *Phaleg*, *because in his days the Earth was divided* (upon the confusion of Tongues) being thus withal interpreted, that *Eber* was a great Prophet, and that out of his spirit of prophecie he so named his Son at the birth (which was but CI years after the Flood) because the division or confusion was to fall in the end of his days, which were about CCXL years afterward. Neither is it conceived by some that until such a time after the Flood, the eight Persons and their Posterity had sufficiently multiplied themselves to be thus capable of such a division. Nor is it without fair ground that they deliver that *Eber* thus named *Phaleg* out of the spirit of foreseeing Prophecie, if at least he so named him upon the birth, as the custom was. For although in other examples of the holy Story, we see that the imposition of names were upon accidents that fell about the time of the birth, and that expres Testimonies be [k] in the Fathers of our Church that *Phaleg* was then born when the Division happened, yet here the very Text directs us otherwise. For it expresly tells us, that *Joctan* (the yonger Brother of *Phaleg*) with thirteen Heads of Families which were of his Posterity, were part of the number of them which divided the Earth. If then these also were at the division, it will be plain that the reason

i *Rabbi Jose in Seder Olam Rabba.* פלג *Phaleg ſt* divider.

k *Eucherius Lugdun in Genes. lib. 2. cap. 8. & D. Augustin. de Civit. Dei, lib. 16. cap. 11.*

reaſon of *Phalegs* name was ſo long at leaſt after his birth, as that *Joctan* and of him thirteen ſons might be born, which may well make up the time of about CCXL years, as their account is. And this very reaſon doth *Rabbi Joſe* in the *Seder Olam* uſe for the interpretation of that place, touching the naming of *Phaleg*.

But what neceſſity we have to believe that firſt ground of this Chronology, which places the beginning of this Kingdom equal with that Diviſion of the Earth, I conceive not. It is true that divers good Authors with one mind admit it, and therefore it is not without much conſideration to be rejected. But let that be omitted, and the prophane ſtories of the antienteſt times to this purpoſe examined; and there will be reaſon enough found to believe that this beginning of the *Aſſyrian* Monarchy is to be caſt into a far elder age, that is into the time that falls about LXX years after the Flood, within which time, *Nimrod*, being Nephew to *Cham*, might be at leaſt about XXX years of age, and not unable to bear thoſe Attributes which the holy Story hath given him. For there is a conſent in the beſt and [e] antienteſt teſtimonies that concern this point, that the *Aſſyrian* Monarchy ſtood about M. CCC years and ended in *Sardanapalus*, from whoſe time, if we account backward, we ſhall come near the LXX year after the Flood, which this way deſigns out the age of *Nimrods* beginning. Others hereof otherwiſe. But indeed we ſhall no where find better ſatisfaction herein than ſuch as will ſtill retain with it too much incertainty.

e *Cteſias ap. Diodor. Sic. Biblioth. 3. Trog. lib. 1. D. Auguſt. de Civit. Dei lib. 12. cap. 10. & videſis Agath. lib. 2.*

For the divers *names* of this firſt King, the moſt General that he is known by, is *Belus*, which alſo was a great Deity in thoſe Eaſtern parts. Neither is he to be called *Ninus*, as ſome name him, attributing (as *Trogus* and ſome others) the beginning of the firſt Monarchy to that Name. For *Ninus* was his next ſucceſſor, as expreſsly Saint *Auguſtine* [f] notes out of the Greek hiſtory. He is alſo named *Nabrodes* and *Nebrod* (as the Septuagints call him) *Evechous*, *Saturn*, and ſuppoſed by ſome to have been the ſame with [g] *Zoroaſter*. Some alſo have taken him to be the ſame who is called *Amraphel* afterward in *Moſes*. Neither is it ſtrange to find ſo different names given to one Prince in thoſe Eaſtern parts. But that which moſt properly agrees with him as he is deſcribed in the holy Story, is the name of *Orion*. *The* Aſſyrians (ſaith *Cedren*) *made* Nimrod *a God, placed him among the Stars of Heaven, and called him* Orion. *He firſt ſhewed the art of Hunting, and therefore the conſtellation called the Dog, is joyned with him.* The holy Story ſays, he was *a mighty Hunter*, that is, גבר ציד *gibbor tzid*; and ſo they expreſs him in thus making him the ſame with *Orion* who is both living and dead ſuppoſed to be ſo in the memories both of the [g] *Ægyptians* and *Grecians*; and therefore alſo he hath the leſs *Dog* and a *Hare* joyn'd with him. And among other like names he is expreſsly to this day called *Algebar* among the *Arabians*, that is, *mighty*, *ſtrong*, or *the Giant*, which is but varied only by Dialect from that very *Ebrew* word which denotes *Nimrod*, in the addition of *mighty Hunter*, or γίγας κυνηγός, that is, a *Giant Hunter*, as the Septuagints tranſlate the holy Text. And beſide this alſo, in the old Aſtronomy (as if *Orion* were ſpecially to be deſigned out for a King or Emperor; therein alſo to agree with *Nimrod*) he is ſuppoſed the chief Leader of all the Southern Conſtellations. And as in their Northern deſcriptions they began at the leſſer Bear or *Cynoſura*, ſo, of their Southern Images, *Orion* was the firſt.

f *Loco dicto.*

g *Apud Epiph. lib. 1. circa init. & vide Chronic Alexand. pag. 89.*

h *Damaſc. in vita Iſidor. apud Phot. in Myrobib. cod. 242.*

Hoc

Hoc duce per totum decurrunt sydera mundum.

saith *Manilius*, following this course as *Aratus* had also done before him; which interprets that of *Homer*, speaking of the Bear;

Ἡ τ' ἀυτῆ στρέφετ' ἠτ' Ωρίωνα δοκεύει.

as if he had said, that she had as *the Princess of the North*, observ'd and lookt at *Orion*, *Prince of the South*, which *Manilius* imitated in his

Arctos & Orion adversis frontibus ibant.

But this is observed here only to shew the fancy of the Antients touching *Nimrod*, in their memory of his beginning of Monarchy. And it is not unlikely that at first it proceeded wholly from Grecian vanity, though it be attributed to the *Assyrians*. Neither doth the occurrence of the name of *Orion*, in the Septuagints translation [k] of the holy Text, give any light here or ground to that conceit. For the Original there is כסיל *Kesil*, which (having no relation to *Nimrod*) is in the vulgar turned by *Arcturus* in one place, and in the other by *Splendor*, the *Rabbins* [l] in the mean time not enough agreeing among themselves what Constellation they would have it signifie. And of the time of *Nimrods* Kingdom, and his various appellations thus much.

k Job *cap.* 38. *comm.* 31. Jesay *cap.* 13.

l *Vide Aben Ezr. ad Amos cap.* 5. *& David Kimchi in Radic.*

After him or rather in his age (if it fall equal with the time of the Division of the Earth, as the common opinion will have it) there was so general a *propagation of this title of King* over the Earth, that there is scarce a Nation, whereof there is memory in those ages, without a King, or Prince, or Monarch, by name assign'd to it. For in the holy memories of that Division among the posterity of *Noah*, we see that the Earth was so divided that the Heads of Families took their several parts *according to their Language, and according to the Families in their Nations.* And they which are named there were doubtless the Kings or supreme Princes of the Nations of which they were Authors; that is, אלופים *Allophim*, i. *Princes*, or מלכים *Melakim*, i. *Kings*, as the words of [m] *Moses* are where he more especially designeth such titles. And in that division (which, as it hath relation to the more Eastern and Southern parts in *Sem* and *Cham*, is somewhat clear in *Moses* his expression of it) the parts of *Japhet* also and his posterity, as of *Gomer*, *Magog*, *Madai*, and the rest, with their Kingdoms are in antient testimonies of the Greek [n] Church extended by express words, from the Northern part of *Asia* into this Island of Great *Britain*, and the neighbouring Countries. For so they interpret that of *Moses*, where he says that *the Isles of the Nations were divided by them.* And beside the testimonies of prophane history which tell us of those more famous and great Kingdoms of the *Sicyonians* begun in *Ægialeus*, that of *Tanaus* his Kingdom in *Scythia*, *Vexoris* among the *Ægyptians*, and other like that are cast into an age even as antient as this of *Nimrod*; the holy Text also hath occurrences of Kings to be referr'd to that age; as in that of *Abraham's* war with *Kedorlaomer* King of *Elam*, where the Kings of divers other Nations, some as supreme, some as subject-Kings, are mentioned. Whence it is that they say, about *Serug's* days, who was born upon CLXX years after the Flood, ὅι ἄνθρωποι τὸ καθ' ἀλλήλων ἀυξήσαντες τύφον στρατηγός τε ἑαυτὸς καλεσήσαντο καὶ Βασιλεῖς, as *Cedren's* words are, that is, *men arrogating to themselves power over each other, made themselves Emperors and Kings.* And then, saith he, did they first use Arms, and make war on each other. Afterward the course

m *Vide Genes. cap.* 36.

n *Euseb. λόγ. α pag.* 12. *Cedren. pag.* 11. *Chronic. Alexan. pag.* 63.

of the holy Story every where ſhews as much in the ſucceeding times, not only by expreſs naming of particular Kings, (which had been made either by the Sword or by Choice) but alſo by that general aſſertion of the *Iſraelites*, when they deſired *Samuel* to make a King over them. For they then ſuppoſe themſelves only of all other Nations to be without a King; and requeſt *Samuel* to give them one that might judge them ככל חגוים *Kekal-haggoim* (as the words are) that is, *according as all other Nations had.* Neither were the *Iſraelites* (if the Tradition [a] among them may be believed) without a Command from God himſelf, that they ſhould chooſe them a King when they ſhould come into the Land of Promiſe. In the following Times we ſee the perpetual ſucceſſion of Kings in moſt parts of the World, either antiently known or lately diſcovered. And although divers of the chiefeſt States of the old *Grecians* (and I think only of the *Grecians* in the elder Ages) were in their moſt flouriſhing times *Democracies* or *Optimacies*, yet the more antient States there, were in every place Monarchies, as it is alſo expreſly noted by [b] *Pauſanias.* Βασιλεῖαι, ſaith he, παντα χῆ τῆς Ἑλλάδος ἦ ἡ Δημοκρατία πάλαι καθεστήκεσαν, that is, *Every where in Greece in the antient times their States were Monarchical and not Popular.* For all other States which keep their names till this day, the common Stories of them plentifully ſhew both the beginnings and the particular propagation of Monarchy in them, neither is this a fit place for them, And of the firſt King and the propagation of Kingdoms, hitherto. In the delivery of which, we have relied on the beſt teſtimonies of the Antients beſides the holy Text, neglecting, with cauſe enough, thoſe Traditions of the *Scythian* or *Ægyptian* [c] Kings after the Flood, to be elder than the *Aſſyrian* Monarchy; that of *Prometheus* (King of *Theſſaly*, and ſon to *Deucalion*) his being ſuppoſed the firſt Man [d] that ever reigned as a King, and ſuch more. Neither, in all this, have we given any credit to that neſt of the *Annian* counterfeits

a *Munſter. ad 1. Sam. cap. 8.*

b *In Bœotic.*

c *Juſtin. hiſt. & Conſtant. Manaſſes Annal. part. 1.*

d *Apollon. Argonaut. 3.*

——*& autres, qui menteurs*
Abuſent du loiſir & bonté des Lecteurs.

as *Du Bartas* well ſpeaks of them.

CHAP.

CHAP. II.

I. King *and* Emperor: *what* Emperor *denoted, and how the Title was used.*

II. *The hate in* Rome *to the name of* Rex, *and how their* Emperors *abstained from it. Their title of* Princeps.

III. *At length, others called them* Kings, *but they wrote themselves only* Emperors, *until the use of* Basileus, *or* King, *and* Emperor, *grew promiscuous in the* Greek *expressions of their title.*

VI. *Differences between the* Emperors *of the* East *and* West, *about the titles of* Basileus, *and* Rex, *and* Emperor.

V. *The title of* Emperor *given to the* Kings *of* England, France, Spain, *the Great Duke of* Muscovy, *the* grand Signior, Prester John.

VI. *The Supremacie of those and other Kings free from the subjection of the Empire of* Rome *against the common, but ridiculous, opinion of many* Civilians.

HItherto the Beginning and Propagation, of the Title of Supreme Princes, being thus deduced, the next consideration falls touching those two great Names by which they are stiled, that is, *King* and *Emperor*. Of which, in the elder times, plainly the first was the Superior, and that of *Emperor* denoted only a General or Leader of an Armie, from whence it was translated to signifie what now it doth in the title of Emperor, used especially by the successors of *Julius Cæsar* in the *Roman* or *German* Empire. For when he, through the greatness of his own fortune, and by reason of the degenerating spirits of the *Romans*, had made himself Master of their so Free State, he thought it safer to retain than innovate his Title of Supremacie; and therefore having the perpetual Office of *Dictator* and *Consulship* with the place of General or *Imperator* (as the word had relation to his military Forces) he took that also (being as willingly given him as the rest) for a perpetual title: *Honores nimios recepit* (saith *Tranquillus*) *ut continuum consulatum, perpetuam Dictaturam, Præfecturamq; morum, insuper prænomen* Imperatoris, *&c.* And after him, it hath continued to this day in the title of his Successors: yet withal since him, and before his next Successor *Augustus*, it was used likewise in their Titles, who for a breathing time had with a desperate cure recovered the publick liberty. For both *Brutus* and *Cassius* have it in their Attributes upon their Coines inscribed, sometimes with two Poignards and the Cap of liberty, thus, BRVT. IMP. and C. CASSI IMP. LIBERTAS, and the like: as also it occurrs in the Inscriptions of *Lepidus* and *Antonius*, the XXX Tyrants, and some others. But whereas that passage of *Tranquillus* makes it his *Prænomen* or Forename, as if it were first to be mentioned in the title of the Emperors who derive from him, I think he was deceiv'd. For in all the Inscriptions that occurr of him in his Coins or otherwise, I find not the title of Emperor preceding his Name, but always subsequent: as CÆSAR IMP. P. M. and the like very often. Neither was it in his Successors con-

ſtantly kept as a Forename; but ſometimes it preceded, as may be ſeen in divers of *Auguſtus* his Coins and the following Emperors, as eſpecially in that of *Juſtinian*'s title, *Imperator Cæſar Flavius Juſtinianus*; and ſometimes it followed, as at this day it doth in the Emperors title. But indeed it appears that in the ſucceſſors of *Julius*, there was a difference in the uſe of it as ſubſequent, and the making it a Forename. For the uſing of it as Subſequent, denoted only (or at leaſt chiefly) ſome great performance by Arms in ſetling or encreaſing the Empire. But when it was a Forename, it ſignified, in thoſe elder times, only the Emperors ſupremacie in the State. Whence it falls that ſometimes it is uſed twice in one expreſſion of the Emperors; as in one of *Auguſtus* his Coins the Inſcription is, IMP. CÆS. AUG. IMP. IX. TR. P. V. where the Forename of *Imperator* denotes his ſupremacy, but that of IMP. IX. (which is ſubſequent, and ſignifies that he had as a General deſerved a triumph nine times) hath relation only to the ſeveral great benefits, which the State had received by his Arms. That which follows TR. P. V. being the number of the years ſince he had the *Tribunitia poteſtas* given him; which was alſo every year renewed to the Emperors, and therefore in that number alſo the years [a] of their Empire were expreſſed.

a *Dio Caſſius Hiſt.* 53.

II. The title of *Emperor* being thus ſetled in *Rome*, although the Emperors had the ſubſtance every way of whatſoever is comprehended in Royal Majeſty, yet in the elder times of the Empire they purpoſely abſtained from the name of *Rex* or *King*, being a word grown odious to *Roman* liberty, from the time that it was caſt out by *Brutus*. In ſolemn memory whereof they yearly celebrated on the VII Kal. of March (the XXIII. of our February) their feaſt *Regifugium*. As alſo they provided, leſt the giddy multitude might again deſire to have a King, that no concourſe for Merchandiſe in the City ſhould ever happen upon the *Nones* of any Month (King *Servius Tullius* his birth day, they knew, was in the *Nones*, but not of what month; and therefore they provided it) *Veriti* [b] *ne quid Nundinis collecta Univerſitas, ob regis deſiderium, novaret*, as *Macrobius* his words are. And *Cicero* though he acknowledged that *Cæſar* was *revera Rex*, fully a King in ſubſtance, yet upon the hate that continued of that title, he tells us, that [c] *Regem Romæ poſthac nec Dii nec homines eſſe patientur*. And to palliate ſome part of his ambitions, *Cæſar* himſelf being ſaluted *King* by the multitude, but, withal perceiving that it was very diſtaſtful to the State, by the *Tribunes* pulling off the white fillet from his Laurel, anſwered, *Cæſarem ſe, non Regem eſſe*; refuſing utterly alſo, and conſecrating the Diadem, which *Antony* would have often put on his head, to *Jupiter*. For the ſame reaſon, did *Octavian* abſtain from the name of *Romulus* which yet he much affected. Alike was the diſſimulation of the next *Tiberius*, under whom were *eadem magiſtratuum vocabula* (as *Tacitus* his words are) which were before, but the ſum and ſway of things was ingroſt and cunningly kept under *One*, differing in Name, not in Nature, from a King, as was obſerved alſo by him that ſubſcribed *Julius* his Statue with

b *Saturnal.* I. *cap.* 13.

c *De Divinat. lib.* 2.

Brutus quia Reges ejecit, Conſul primo factus eſt.
Hic, quia Conſules ejecit, Rex poſtremo factus eſt.

But alſo *Princeps*, and *Principatus*, and *Principium*, were proper names for them and their Greatneſs. *Auguſtus* (ſaith *Tacitus*) *cuncta diſcordiis*

diis civilibus fessa nomine Principis sub imperium accepit. And *Sueton* of *Caligula*, thus, *Nec multum abfuit quin statim Diadema sumeret, specieque Principatus in Regni formam converteret :* that of *Princeps* being taken only to supply the name of *Rex*, to save them from the envy which it would have drawn on them. There being also the like original of *Princeps* for them as there was of *Imperator*. For as the one came to denote the supremacy in the State out of the use of it in the Army, so the other to signifie the same thing out of the use of it in the Senate. For the title of *Princeps Senatus* (which was known familiarly in *Rome*, and so might be used without envy) furnished *Augustus* and his Successors with the title of *Princeps* as it had relation to the whole common-wealth.

III. In the following Ages, it was long before any of the Emperors used the title of *King* (although the Emperor *Aurelian* wore a Diadem and other ensigns that were proper to the name of King) but in their Letters, Commissions, and Embassages, they stiled themselves always *Emperors*. Which is expresly delivered by *Synesius* that lived under *Arcadius*, about CCCC years of Christ, shewing also that it was then usual in the Writings and Speeches directed to them, to have them stiled Kings, especially by the Grecians. Ημᾶς μὲν (saith he to the [a] *Emperor*) ὑμᾶς ἀξιῶμεν καὶ καλῶμεν Βασιλέας, καὶ γεγράφομεν ὕτως. Ὑμᾶς δ' εἴτε εἰδότες, εἴτε μὴ, ζυνηθείᾳ δ' συγχωροῦντες τὸν ὄγκον τῆς προσηγορίας ἀναδυομένοις ἐοίκατε. i. *We think you worthy of the Name, and so call you Kings, and write you so. But you, whether you know so much or not, yet agreeing to custom, have seemed to dislike so swelling a Title.* And indeed, the Authors of the Imperial story, before that time, have *Regnum*, for the State of *Rome*, [b] *Sedile Regni* for the Emperors Throne, and such more : the dislike of *Rex* growing at length out of fashion, as especially appears in the chusing of *Regillianus* (General in *Illyricum*) to be Emperor, as it were, on a suddain jest, when one had derived his name in declining *Rex, Regis, Regi, Regillianus*, the acclamations presently [c] following, *Ergo potest nos regere ; Ergo potest Rex esse.* This was about *Gallien*'s time, some CCLX. after our Saviour. And *Ulpian* (a great Lawyer under *Alexander Severus*) calls that [d] *Lex Regia*, which transferr'd the peoples power to the Emperor. And in the *Code Regia Majestas, Regalis sensus, Regia Urbs*, and the like, occurr with relation only to the Emperors dignity. And *Regnum* occurrs sometime in Saint *Ambrose* [f] to denote the Empire. But as the *Grecians* usually called them [g] Βασιλεῖς i. *Kings*, as also the Ebrews and other of the East (for the learned *Drusius* [h] notes that he had a book, inscribed מלכי רומי i. *the Roman Kings*, being the lives of the Emperors. And in *Luke* III. where the original is in the XV. τῆς ἡγεμονίας, i. *of the Empire of Tiberius*, the Syriack turns it דמלכותה *of the Reign* or *Kingdom*. And *Paul*'s appeal, according to the Arabick, is, *I appeal to* Cæsar *the King* ; which is agreeable to the Emperors titles, in the lives of the four Evangelists, in that language) so also the *Constantinopolitan* Emperors could not at length find greater titles for themselves or fitter than *King*. If you regard how others under them applied the name ; examples are familiar in the [i] Acts of their Councils, Histories, and such like. If, how they themselves in the first person, read the titles of *Justinians* Novels (which they call Authentiques) and in them it will appear, that the names of Αὐτοκράτωρ or *Emperor*, and Βασιλεὺς or *King*, were indifferent, although the Latin Translation hath him always by the name of *Imperator*.

a *Lib.* περὶ Βασιλείας.

b *Vide Casaub. ad Spartian.*

c *Trebell. Pall. in 30 Tyrannis.*

d *D. de Const. Princip. l.* 1.

f *Orat. Funebr. de Valentiniano, & de obitu Theodosii.*

g *Athenagor. in inscript. Apolog.* & alii passim.

h *Præteritor. lib.* 9.

i *Concil. Ephesin. & Sibi Cyrillus. Hesichius* (qui sub Anastasio floruit) *in Constantinopoleos descript. Procopius, alii.*

rator. The ſame is juſtified by *Theophilus* his Greek tranſlation of the Inſtitutions. And that great Volume of Laws, publiſhed by their Emperor *Leo* (about DCCCC) comprehending a collection out of the *Digeſts*, *Code*, *Novels*, and other *Imperials*, was titled τὰ Βασιλικὰ, as if you ſhould ſay, *the Kings Laws*, whereof an Epitome is now only left; and in that, the Latin[k] *Princeps* or *Imperator*, is often turned into Βασιλεὺς. So that at length the name of *Emperor* and *King* grew to be as one, although the *Romans* ſo much (for the remembrance of their liberty) at firſt diſtinguiſhed them.

k *Baſilic. lib. 2. tit. 6. ubi. l. 31. ff. de leg. & Sen. & alibi.*

IV. But in the divided Empires, upon new occaſions, came much affected differences touching thoſe names of *King* and *Emperor*. The *Weſtern* Emperors, in regard that the States of the *Goths*, *Lombards* and *Franks*, which had over-run and poſſeſt much part of the Empire, were called *Kingdoms*, and their Heads, *Kings*, rather deſired the continuance of the name of *Emperor*, as a note, in common account, of greater Majeſty. After the tranſlation of the Empire from *Conſtantinople* to the *French*; the *Eaſtern* Princes continued ſtill their name of Βασιλεῦς, which they ſuppoſed the greater title, and were, at firſt, not much againſt the allowing of it to the Weſtern Emperors, as appears in that of the Embaſſadors of *Michael Curopalata* to *Charles the Great*, who, for confirmation of a league, came to him at *Aix*, *& ſcriptum pacti* (as my[l] Author ſays) *ab eo in Eccleſia ſuſcipientes more ſuo, id eſt, Græcâ linguâ laudes ei dixerunt, Imperatorem & Baſileum appellantes.* Which was a name afterward (although meer Greek) beſtowed on *Charles* his ſucceſſors by their Monks, preferring it far before the Latin *Rex*. One of[m] them thus, of *Charles* ſurnamed *Craſſus*;

l *Anonym. in Annal. Franc. ann. 812 & Vit. Caroli Magni.*

m *Abbo Floriac. de Oſid. Lutet. l.*

Orbs mandata fuit Karolo nobis Baſiléo,
Imperio cujus regitur totus prope Coſmus.

But when *Baſilius Macedo* the *Conſtantinopolitan* Emperor had received Letters from Pope *Hadrian* the II. wherein *Lewes* the II. then Emperor of the Weſt, was called *Baſileus* or *Emperor* (for ſo *Baſileus* was now underſtood) he cauſed that Honorary title to be raſed[a] out of the Letters, and, concerning his challenge to it as what was only proper to himſelf, diſpatcht an Embaſſage to *Lewes*. This Embaſſage, *Lewes* anſwers by one *Autprand* (as it is reported by *Rempert* or *Erempert*, cited and firſt publiſhed by Cardinal *Baronius*) and out of his Letters the effect of the quarrel may be beſt underſtood. He firſt tells *Baſilius* that he knows no reaſon of his diſlikes towards him, *Niſi fortè ſuper Imperatoris nomine velit hæc cuncta ſentiri. Verum apud nos* (ſaith the Weſtern Emperor) *multa lecta ſunt, multa quidem indefeſſè leguntur; nunquam tamen invenimus terminos poſitos, aut formas, aut præcepta prolata, neminem appellandum BASILEA niſi eum quem in urbe Conſtantinopoli Imperii tenere gubernacula contigiſſet, cum, gentium ſingularum monimentis interim poſtpoſitis, ſacræ nobis affluenter hiſtoriæ monſtrent, plurimos fuiſſe Baſileos.------ Et noli vel nobis quod dicimur invidere, vel tibi ſingulariter uſurpare, quod non ſolum nobiſcum ſed & cum pluribus Præpoſitis aliarum Gentium poſſides.-------Sed nec hoc admiratione caret quod aſſeris Arabum Principem* [b] Protoſymbolum *dici, cum in voluminibus noſtris nihil tale reperiatur, & veſtri Codices modo* [c] *Architon, modo Regem vel alio quolibet vocabulo nuncupent. Verum nos omnibus*

a *Ms. Hiſt. Longobard. ap. Baron. Tom. 10. A. 871.*

b *Achmes Onirocritic. ca. 18. & hiſtorici Orientales: verum Protoſymboli* Vezirazes *ſive* Vezirum primos magis denotant conſulas licet, *Leunclau. Pandect. Turcic. cap. 14.*

c *Lege* Archicon, *ſeu* Archonta.

omnibus literis sacras S. præferimus, quæ non Protosymbolos, *sed Reges Arabum & Sabæ perspicuè confitentur, Chaganum vero, non Prælatum Avarum, non Cazarorum aut Northmannorum nuncupari reperimus, neque Principem Bulgarûm, sed Regem vel Dominum Bulgarûm. Verum idcircò ab iis & omnibus* Basilei *debitum vocabulum adimis, ut hoc tibi soli non tam Propriè quam violenter inflectas.* Then he proceeds with the Translation of the Empire from *Constantinople* to the *Franks*, *ob ignominiam Græcorum*, who were not able any longer to defend the Church: and, whereas *Basilius* would have him titled only *Rex* (or *Riga*, as the Grecians had barbarously made that word in their fourth Case) he adds further, that the true interpretation of their *Basileus*, was in that word *Riga*; as indeed, children know it is. Neither was it given or taken as any dishonour when *Baldwin* Earl of *Flanders*, *Lewes* Earl of *Blois* [d] and divers other, wrote to *Otho* IV Emperor, with this Inscription; *Excellentissimo Domino Othoni Dei gratia Romanorum Regi & semper Augusto.* Divers like examples are. Nor have the *German* Emperors of the later ages thought, it seems, the title of *Rex* less than that of Emperor. Indeed in the time of that *Otho*, and afterward, it was conceived by many in their gross flatteries to *Rome*, that before the Coronation there (or some Coronation that supplied as much) he that was chosen for Emperor should be called *King of the Romans*, or *Rex Romanorum*, or as they express it in high Dutch, **Romischer Konig** only, as if the title of Emperor were not due to him until that Coronation. Hereof we see notice taken by *Antoninus*, speaking [a] of the Coronation of *Sigismund*, as also by *Leonard* [b] *Aretin* upon the same occasion, and so by others. But they justly condemn it as a vain cavil. Nor doth that of *Henricus Bebelius* [c] written against them convince more than only thus much, that they had no reason to quarrel at that title of *Imperator*, as being less than *King*. For use hath made it equal with *King*, where supremacy is. And, *postquam aliquis ex nostris*, saith he, *in* Regem Romanorum *est electus, mox omnia* Imperatoris *officia exercet, &, ut loquar more legulei-orum recentium, de facto habet plenariam omnium rerum administrationem, supremamque Potestatem, nec aliquid addit creatio in* Imperatorem *nisi quandam solennitatem & quædam ornamenta, quæ* Romanus *Pontifex, non nos excogitavimus. Ut igitur* Rex *aliquis* Romanorum *primum dicatur & postea* Imperator *coronatione Pontificis, solum est Sedis Apostolicæ, non* Germanorum *institutum, ut leges* in c. venerabilem extr. de electione. Thus much *Bebelius*. And in the later age of this Empire, especially from *Charles* the Fifth to this day, the names have been taken so indifferent, that after the election, and without Coronation at *Rome*, the Emperors most frequently call themselves in their stiles **Erwehlter Romischer Keyser**, that is, *Electus Romanorum Imperator*, and sometimes also *Electus Romanorum Rex*, as if the two titles of *Rex* and *Imperator* had no difference. But understand this to be spoken of the title of *King of the Romans* compared with *Emperor* in cases only where the same person is already chosen for Emperor, not where by designation only of a successor a King of the *Romans* is made in the Empire. For that kind of *King of the Romans* hath no place here, but comes in the second Part, as the apparent Successor. But for this point of the indifferent use and identity of titles of *Rex Romanorum*, and *Imperator* in the Empire, and of the names of *Imperator* and *Imperium* used as well before the Coronation received from *Rome*

d *Arnold. Abb. Lubecens. Slavorum hist. 6. c. 19.*

a *Chron. part. 3. tit. 22. cap. 10. § 1.*

b *Lib. 6. Epist. ad Cyriacum:* & vide *Spigel. ad Gunther. de hist. Frederic. 1. lib. 7. vers. Coronam imposui, &c.*

c *Apud Goldast. Politic. Imperial. part. 11. pag. 586.* & vide *Lupoldum de Bæbengarg. de Juribus Regni & Imperii Romani, cap. 6. 16. &c.*

Rome as after, it is with a multitude of choice examples more largely opened and cleared by the learned *Melchior Goldaſtus* [d] where alſo he notes out of the old Charters of the Church of *Hamborough*, & others, that until the Coronation at *Aquiſgran* (which is the firſt that belongs to the Emperor, and is to be performed by the Archbiſhop of *Cologne*) the Emperors would antiently ſtile themſelves ſometimes *Ordinantes*, and their coming to the Empire *Ordinatio*, and after that they would uſe *Rex* and *Regnum*; as in a Date of a Charter of *Henry* the third to the ſame Church, *Data anno Domini incarnationis* 1040. *Anno autem Domini* Henrici *Regis Tertii Ordinantis* III. *Regni primo:* another of the next *Henry*; *Data anno Domini incarnationis* 1042. *Anno autem Ordinationis* Henrici IV. *Regis* VIII. *Regni vero* VI. Whereas notwithſtanding no man can doubt but that they were truly Kings before their Coronations as well as after, and ſo truly alſo Emperors by vertue of their elections, without the ſolemnities, although yet (according to vulgar apprehenſion) they diſtinguiſh the years of their *Regnum* from thoſe of their *Imperium*. Yet alſo upon [e] other ground beſides thoſe Imperial letters of *Baſilius Macedo*, it hath been obſerved that the Eaſtern Emperors did in contempt, ſtile the Weſtern *Reges* only; allowing their *Baſileus* to none, but themſelves and the King of *Bulgary*, who had alſo [f] his Crown of Gold, his Tiar of Silk, and Red Shoes, for his Royal, being alſo Imperial, habiliments. And ſo *Georgius Logotheta*, always names the King of *Bulgary*, Βασιλεὺς τῶν Βουλγάρων but the King of *Hungary* and *Sicily*, Οὐγγρίας and Σικελίας Ῥήξ, or *Rex Siciliæ*; and the Prince of *Achaia* only Ἀχαΐας Πρίγκηψ, or *Achaiæ Princeps*. But I think it proceeded not ſo much from contempt, as uſe, bred amongſt them, to call forrein dignities, by the names of that Princes Countrey, to which they were applied: as appears in *Sultan*, *Ameras*, *Amermummes*, and *Chagan* (the ſame with *Chan*) and the like, copiouſly mentioned by *Simocatta*, *Anna Comnena*, *Codin*, *Achmes*, *Cantacuzen*, and the more obvious Oriental Authors. And, they never agreeing willingly to that Tranſlation of the Empire, but ſuppoſing themſelves as Emperors of *New Rome* (for ſo *Conſtantinople* was called) and to be the legitimate Succeſſors of that majeſtick Title, τῶ Κόσμω Κύριος, or *Lord of the World* (wherewith *Antoninus* long before blazoned [e] himſelf to *Eudæmon*) could hardly but endeavour ſuch diſtinction of names, that ſo they might have One peculiar to their own Greatneſs. Which, how could they better do, than by keeping their own to themſelves (that is, *Baſileus*) and giving other Princes every one the language of every ones own territory? And the Princes of *Sicily* in the time of *Conſtantine* the great (ſaith *Nicephorus Gregoras*) were called Ῥῆγες or *Reges* only. Indeed, that Eaſtern Emperor, *Baſilius Macedo*, had moſt reaſon to take care of this matter, being the firſt of them, after the Tranſlation to *Charles* the *Great*, that was likely to have regained his Predeceſſors glory. And therefore his Biſhops in that VIII General Council at *Conſtantinople* did alſo *nomen Imperiale* (as one [g] ſays of the Weſtern part) *noſtro Cæſari penitus invidere*; to which affected Greatneſs an old [h] Author alludes, ſpeaking of *Charles* the *Bald*, King of *France*; that, *Omnem conſuetudinem Regum Francorum contemnens Græcas Glorias optimas arbitrabatur. Et ut majorem mentis ſuæ elationem oſtenderet, ablato Regis nomine, ſe Imperatorem & Auguſtum omnium Regum, cis mare conſiſtentium, appellari præcepit.* But in later times the difference was leſs reſpected; which is plainly ſeen in thoſe Letters of [i] *Calo-Johannes* to *Conrad* III. thus

d *Replic. pro ſacra Cæſarea & Regia Francorum Majeſtate &c. adverſus* Jac. Gretſerum *cap.* 37. *Vide item Hieronym. Balbum lib. de Coronatione, & Goldaſt. in præfat. ad Jacobum Mag. Brit. Regem ad Tom.* 3. *Imper. Conſtit. Nicolaum Cuſanum, lib.* 3. *de Concordia Catholica, Hadrianum Saraviam de Imperandi autoritate li.* 3. *cap.* 4. *&c.*

e *Gloſſ. Græco-barbar. I. Meurſii.*

f *I Curopalat. in* Tzimiſce.

e *Voluſ. Martian. ff. ad leg. Rhod. l.* 9.

f *Niceph. Gregoras hiſt.* 8.

g *Anaſtaſ. de vit. Pontific. in Hadr.* 2.

h *Annal. incert. anſt.* ſub anno 876. Edit. à *Pithœo*; eadem autem *Sigebertus.*

i *Otho Friſingenſ. de geſt. Frederic. lib.* 1. *cap.* 24.

thus inscribed: *Johannes in Christo Deo Fidelis Rex, Porphyrogenitus, sublimis, Fortis, Augustus, Comnenos, & Imperator Romanorum ad Nobiliss. Fratrem & Amicum Imperii mei*, and answered by *Conrad*, calling himself *Romanorum Imperator Augustus*, and *Calo-Joannes, Illustris & Glorioſus Rex Græcorum*. Whence also it is evident, that, *Rex* was not a name of contempt at *Constantinople*. For then would not this *Conrad* have called *Calo-Joannes* by that name. Neither, for that point, is advantage to be taken of the word *Rex* in the Eastern Emperour's stile. For, it is most likely that his Greek (out of which, I suppose, my Authour had it translated) was their Βασιλεύς. But when this *Conrad*'s Successour, *Frederique Barbaroſſa* received Letters from *Isaacus Angelus*, Emperour of *Constantinople*, expostulating with him touching his passage through *Greece* into the Holy Land, and demanding Hostages for security with this insolent Title, [o] *Isachius à Deo constitutus, Imperator Sacratissimus, Excellentissimus, Potentiss. sublimis, Moderator Romanorum, Angelus Totius Orbis, Hæres Coronæ Magnæ Constantini, Dilecto fratri Imperii sui maximo Principi Alemaniæ gratiam suam & fraternam & plurimam Dilectionem*; He much stormed at the Embassadors, and told them that he scorned their Masters favour, and, *De ipso* (as the words are) *non fero*, saith he, *æquanimiter si tam arroganter me præsumat de cætero salutare*: and that he himself had, by an established right, the name of *Romanorum Imperator & semper Augustus*, wherefore their Master should rather have called himself *Romaniorum* than *Romanorum Moderator*. Upbraiding him with *Romania*, which is the same Territory that was called *Thrace*, and lies by the Seat of the Eastern Empire.

o *Expedit. Asiatic. Frederic. 1. apud* Canis. *Antiq. lect. tom. 5. part. 2. Pluro de* Græcorum *fastu & in* Occidentale *Imperatorem invidiâ habes in* Luitprandi *Legat. à* Canis. *Edit. & apud* Baron. *Tom. 8. sub* anno 868. *transcripta.*

V. But howsoever these Emperours of the West and East thus strove about this great Title of *Emperour* or *Basileus*; as if they had been agreed that no other Prince might justly use it but themselves, yet it is plain that the Kings of other Nations took it as no less proper to their own Greatness. The Kings of *England* or Great *Britain*, have also justly used it, and that from antient Ages. For our *Edgar* frequently in his Charters, called himself *Albionis & Anglorum Basileus*; and, [p] in one to *Oswald* Bishop of *Worcester*, *Anglorum Basileus omniumq; Regum Insularum* Oceaniq; *Britanniam circumjacentis, Cunctarumq; Nationum, quæ infra eam includuntur*, Imperator & *Dominus*; wherein by the way, it is observable that the King of *England* or *Great Britain*, so long since wrote himself, and was *Emperour and Lord of the British Sea*; as the expression is in that of *Oceani Dominus & Imperator*, which fully agrees with that of one of his Successours King *Canutus* (or *Knout*) when sitting in his Chair by the South Shore, he used these words to the Sea. *Tu meæ ditionis es & terra in qua sedeo mea est, &c.* making (as the Story is in *Henry* of *Huntingdon*) a moral use of it, but taking it clearly that he was no less Lord, King, or Emperour of the Sea than of the Land. Whence also in our common Laws it is affirmed, that [q] *the Sea is of the ligeance of the King, as of the Crown of* England, and divers other Domestique Testimonies justifie as much. Neither hath it wanted the express acknowledgment of those Strangers which being next Neighbours to the Sea, had most reason to quarrel at it, if there had been any scruple in the Title. For when under our *Edward* I. and *Philip le Beau* of *France*, *Regner Grimbaut*, then the *French* Admiral, had injuriously exercised such a jurisdiction in the narrow Seas, that not only he incroched upon the King of *England*, who was Lord of them, but also committed di-

p *Cod. Wigorn. ap.* Joh. Der *in Monarch. Brit. & depravatè leguntur hæc apud* V. C. Ed. Coke *præf. lib. 4. & Pat. 1. Ed. 4. part. 6. membr.* 23.

q *Belk. cap. Rich. 2. tit. Protection* 48. *Seintgerman lib. 2. cap. 51.* Coke *lib. 5. fol.* 108 *b.*

vers oppreſſions againſt Merchants and others, in ſo much that they were driven to complain in both Kingdoms; the two Kings appointed certain Commiſſioners to hear thoſe complaints, to whom the Procurours [n] of the Nobility and Clergy, Towns, Cities, Merchants, Strangers, and others of *England*, as alſo thoſe of the Maritime Coaſts of *Genoa*, *Cathalaunia*, *Spain*, *Germany*, *Zeland*, *Holland*, *Friſeland*, *Danemark*, *Norway*, and divers other places of the Empire, exhibited a Declaration of their injuries; and in that Declaration they acknowledg clearly, that the Kings of *England*, time out of mind, as Kings of *England*, had been in peaceable poſſeſſion of the Sovereign Lordſhip of the Sea of *England*; the very words being thus in the *French* of that time, *Que les Roys d' Engleterre par raiſon du dit Roialm, du temps dont il ny ad memoire du contraire, euſſent eſte en paiſible poſſeſſion de la Soveraigne Seignurie de la Mier d' Angleterre, &c.* Thoſe infinite other Teſtimonies that juſtifie as much, I omit here, having in their due place diſpoſed them in my *Mare Clauſum*, writen about 1620. for the aſſertion of this Marine Dominion or Empire to the Crown of *England*; wherein alſo that great Queſtion, touching the Sea's being capable of Dominion, is largely diſputed, and the Affirmative is clearly and fully concluded, eſpecially out of the Laws or Cuſtoms of almoſt all Nations known on the Earth; not without plain Anſwers to thoſe Arguments which are uſually, among Civilians, brought for the contrary. But for that Title of Emperour in the Kings of *England*; we ſee alſo that it was uſed by others after *Edgar*. In a Charter of about a thouſand after our Saviour, made by King *Ethelred* to the Church of *Canterbury*, in his ſtile at the beginning he calls himſelf *Gratia ſummi tonantis* [o] *Angligenum, Orcadarum necne in Gyro jacentium Monarchus*, but ſubſcribes with *Ego Æthelredus Anglorum Induperator hoc privilegium ore manuque crucis ſignaculo corroboro.* The like Title [p] occurrs in ſome other of that Time, when yet queſtionleſs they did not conceive any greater Majeſty in the name of Emperour or Empire than in the title of King or Kingdom. For they frequently uſed the words indifferently; as in the *Saxon* Tranſlation of *Oroſius*, Pomana pice, and Pomana anpealse are promiſcuouſly uſed for the *Roman Empire*, the firſt literally denoting *the Kingdom of Rome*, and the other *the Empire*, as the words are Grammatically diſtinguiſhed. But alſo whatſoever the title of Emperour imported, though it were not after the *Saxon* times uſed in the ſtile of our Kings, yet the ſubſtance of it was ſufficiently challenged in that of *William* the Second, when he ſo confidently told Archbiſhop *Anſelm*, that *ipſe omnes libertates habebat in Regno ſuo quas Imperator vindicabat in Imperio*, as the words are in *Matthew Paris*. And in the Tranſcript of a Charter of the ſame *William* to the Monaſtery of [q] *Shaftesbury*, I read, *Ego* Willielmus *Rex Anglorum*, *anno ab Incarnatione Domini* 1089. *ſecundo anno mei* Imperii, *omnibus meis ſucceſſoribus deſigno.* Therefore alſo under King *Henry* VIII. the [r] whole Parliament conceived, and ſo expreſſed themſelves, that *by divers and ſundry old authentique Hiſtories and Chronicles, it is manifeſtly declared and expreſſed that this Realm of* England *is an* Empire, *and ſo hath been accepted in the World, governed by ſome ſupreme Head and King, having the Dignity and Royal Eſtate of the* Imperial *Crown of the ſame.* And the Kings Power is alſo called *Imperial* in another Act [s] of the ſame Parliament. And the Crown of *England*, in other Parliaments of later Times, is titled the *Imperial Crown*; the Kings of *England* being alſo in the expreſs words of an *Iriſh* Parliament

n *Temp. Ed. 1. De ſuperioritate Maris &c.* in Arce Londin.

o *Præfixum eſt hoc diploma codici Ms. in bibliotheca Cottoniana, ubi formulæ ſacræ Coronationis Regum Angliæ.*

p *Cod. Wigorn. Ms. ibid. pag.* 211. *ibid.*

q *Cod. Abbatiæ Septon. apud Dominum Arundel de* Wardour *Ms. fol.* 1.

r *Stat.* 24 *Hen.* 8. *cap.* 12. & 25 *Hen.* 8. *cap.* 21.

s 1 *Eliz. cap.* 1. & 1. *Jac. cap.* 1.

ment titled *Kings* [f] *and Emperours of the Realm of* England *and of the Land of* Ireland, and that before the title of *Lord of Ireland* was altered into *King*. The *French* Writers also, as especially *Carolus de Grassalio*, *Du Haillan*, and *Hierom Bignon*, shew this title of Emperour given to the antient Kings of *France*. And for *Spain*; in the Records of *Toledo*, their remains to this day a Charter of Priviledges given by King *Alfonso* the VI. (about D years since) which hath this title in it in these words, *Ego disponente Deo Alphonsus Hesperiæ Imperator*. So *Francisco de Pisa* tells [t] us, who was lately Dean of the Faculties of Divinity and the Arts in the University there. And the next *Alphonso* the VII. was crowned Emperour of *Spain* in *Leon*, [u] the Ceremonies being afterward iterated in *Toledo*, as in the chief City of that Empire, which is therefore also titled *Cabeça del Imperio de Espanna* (in a Charter of *Pedro* King of *Castile*, given for the Dignitity of *Toledo*) and *Alcaçar de Emperadores* in an old Rime of that Country. And the Arms of *Toledo* became from this to be the Image of an Emperour in his Imperial habit, holding the Mound in the left hand, and a Sword drawn in the right. And one of this *Alfonso*'s Charters dated in the M.C.LXXVI year of the *Spanish Æra*, that is, M. C. XXXVIII of our Saviour, and confirmed by his Successors to that City, stiles him and his Queen *Berengaria*, thus, *Sub Dei nomine & ejus gratia, Ego Aldefonsus Dei nutu Hispaniæ* Imperator, *una cum conjuge mea Imperatrice Domina Berengaria*. And in the subscriptions of it, *Imperator* only occurrs for the title of this *Alfonso*. They say also that Pope *Innocent* the Second confirmed this Name of Dignity to him; which, *Mariana* [x] saies, he can very hardly believe. And there is an Epistle extant of *Peter* Abbot of *Clugny*, wherein this *Alfonso* is called *Imperator Hispanus*, *Magnus Christiani Populi Princeps*. And some other antient Kings of that Country have had the same Title, as out of the *Spanish* Stories, [y] *Hieronymo de Zevallos* a great Lawyer of *Toledo*, *Valdesius* [z] and other such, have largely observed.

The Dukes also of *Muscovy* which antiently used no other title than *Weliki kneśi*, that is, in *Russian*, *Great Dukes*, have had of later times this title of Emperour or *Czar*, which *Basilius*, that was Duke about M. D. XX. first took to himself. Yet this title he used not to all Princes. In his Letters to the Emperour, the Pope, the King of *Swethland* and *Denemark*, the Governours of *Prussia* and *Livonia*, and to the great Turk, he used it, but not to the *Polonian*. Because (as my [a] Authour saies) neither of those Princes would endure any new Title in each others Letters; although this *Basilius* his Son, *John Basiliowich*, in his Letters to the King of *Poland*, called himself *Czar*, which is, *Emperour* or *King*, but he was never resaluted from the *Polack* by other name than Great Duke, as *Gaguin* tells us. At this day his Successors use the name of *Emperour* or *Imperator totius Russiæ*, or [b] *Magnus Dominus*, *Czar atq; Magnus Dux totius Russiæ*, &c. or *Dei gratia Imperator & Magnus Dux totius Russiæ atq; universorum Tartariæ Regnorum aliorúmq; plurimorum dominiorum Monarchiæ Moscoviticæ Dominus & Rex*, as I read in Letters of safe-conduct [c] given by the last *Demetrius*, who subscribed himself *Demetrius Imperator*. Other Princes give this Emperour sometimes the same [d] Title; but the Neighbour Princes stile him usually but *Great Duke*. And in the League between *Rodulph* the II. Emperour of *Germany*, and the last *Grand Signior Achmet* agreed on in the year M. DC. VI. it was among other things concluded [d] that they might both in their Letters or otherwise at their pleasure, use the name of *Emperour*.

f *Stat. Hib. 28. Hen. 8. cap. 2. & V. C. J. Davis Decis. Hib. fol. 61.*

t *Hist. de Toledo lib. 1. cap. 29. & 33.*

u *Roderic. Toletanus lib. 7. cap. 7. & Roderic. Sant. hist. Hisp. part. 3. cap. 31.*

x *De rebus Hispaniæ lib. 10. cap. 16.*

y *Tract. de Cognitione per viam violentiæ gloss. 18.*

z *Lib. de Dignitate Regis Hispaniarum.*

a *Sigismund. Com. Rer. Moscovitic. & Gagu. Moscoviti. cap. 5.*

b *Possevin. in Moscovia pag. 281. edit. in 8. 1587.* The Russian common-wealth, *pag. 19. Eondini 1591.*

c *Dat. 28. Decemb. 1605.*

d *Lit. Reg. Elizabeth. ap.* Hackluit *part. 1. pag. 339.*

d *Merc. Gallobelgic. Tom. 5. lib. 4.*

The same Title is attributed to [e] *Prestor John*, and some others.

[e] *Luys de Uretta Hist. Æthiopic. passim.*

V. Neither is the use of this Title of Emperour in the stile of other Princes any injury to the Emperour of *Germany*, who is commonly so known by that name as if it were only proper to him. Indeed divers Civilians, especially of *Italy* and *Germany*, which profes's the old Laws of *Rome*, tell us, that the Emperour is at this day, of right, *Lord Of The Whole World* or *Earth*, as their [f] Text also affirms, besides divers other flattering Passages in good Authours of the antient Empire; as that of *Corippus* to the Emperour *Justin*,

[f] *Αὐξιωσις ff. ad Leg. Rhod.*

——*Deus omnia regna*
Sub pedibus dedit esse tuis.

And [g] *Julius Firmicus* hath this courtly expression, that *totius Orbis terrarum spatium Imperatoris subjacet potestatibus; etiam ipsum eorum Deorum numero constitutum esse quem ad facienda & conservanda omnia, Divinitas statuit principalis.* And in some Coins also of the old Emperours, the Inscription is [h] VICTOR OMNIUM GENTIUM, as if all Nations whatsoever had then been conquered by them; and divers other such like are obvious. Neither could less follow, if this were true, than that none besides the Emperour of *Rome* or *Germany* (which now hath succeeded into the place of *Rome*) might justly use this great Title, which denotes the highest Soveraignty. But it is most clear that neither antiently nor at this day there is any such title, as *Lord of the whole World*, really due to him, and that divers other Princes, as the Kings of *England*, *Scotland*, *France*, *Spain*, beside others, have their Supremacy, acknowledging no superiour but *God* himself, and may every way as justly (as the Emperour of *Rome*) be stiled *Emperours*, or by any other name which expresses the fullest height of Honour and Dignity. First for the antient extent of the *Roman* Empire; it is plain that it had its *Claustra*, as *Tacitus* calls the limits of it. And when under *Trajan* it was at the greatest, being enlarged beyond *Euphrates* (which in the time of *Augustus* was the Eastern limit of it, and by *Hadrian* was again brought to be so) it comprehended not the thirtieth [i] part of the whole Earth, neither had it ever in this Island any further frontier than about *Edinburgh* in *Scotland*; and in the declining times, it was daily straightened, both by the revolt of divers Nations that were a part of it, and by the incursions of such as had never been yet conquered by the power of it. And plainly, at the height, it acknowledged some to be *Liberi Populi Regésq*;, or free and supreme States and Kings, as the very words are of [k] *Paulus* a great Lawyer of the antient Empire. Then in the later times we see that, besides the States of *Asia*, *Afrique*, and *America*, the greatest Kings of *Europe* have from many Ages been absolutely supreme, without any kind of colour of subjection to the Empire. As for the Kings of *Spain*; those great Lawyers of that Country, *Valdesius*, *Burgo de Paz*, *Diego Perez*, *Ferdinando Vasques*, *Couvarruvias*, *Hieronymo de Zevallos*, and such more make it clear, that the King of *Spain* is from antient right free from all colour of this kind of subjection. The same in the Kingdom of *France* is justified by those *French* Lawyers, *Bodin*, *Chassanæus*, *Bignon*, *Carolus de Grassaliis*, and divers others. And for *England*; howsoever in a Letter of Complement from our *Henry* II. long since written to [l] *Frederique Barbarossa*, some kind of subjection may seem to have been acknowledged to the Emperour of *Germany*, and although our *Richard* I. in his Captivity,

[g] *Matheseos lib. 2. cap. 33.*

[h] *Constantius apud Adolph. Occ. pag. 552.*

[i] Ita etiam *Bodinus de Repub. lib. 1. cap. 9.*

[k] *ff. de Captivis l. 19. & 24.*

[l] *Radevic. de gest. Fred. 1. lib. 1. cap. 7.* & videsis *Horn en le Mirror des Justices cap. sive lib. 4. § de Jurisdiction.*

vity, *Consilio Matris suæ deposuit se de Regno Angliæ & tradidit illud Imperatori* (that is to *Henry* VI.) *sicut universorum Domino, & investivit eum per pileum suum*, as the words of *Roger* of *Hoveden* are; yet besides the release of this pretended right made by the same Emperour *Henry* at his death, we find that the Authority of all Publique Notaries created by the Emperour or his Count Palatins was forbidden here for this cause, *Eò quòd* [m] *Regnum Angliæ ab omni subjectione imperiali sit liberrimum*, as the words are in a Constitution of King *Edward* II. to this purpose. And it appears that in the elder times, Publique Notaries (who derived their Authority either from the Pope or Emperour) were not at all [n] or were rarely admitted in any use in this Kingdom; however the old [o] Canonists deliver that Notaries created by any other than the Emperour or the Pope, gained no credit to the Instruments they testified. But indeed in those times with us, the credit of Evidences and legal Instruments was justified by anthentique Seals of the Parties, and not by the subscription of Notaries. But also under our *Henry* the V. when *Sigismund* the Emperour came hither with a purpose to make a Peace between our *Henry* and the *French* King, he was not admitted before he had made solemn profession to the Duke of *Gloceſter* (who with a Sword drawn in his hand, pronounced that he knew no other Emperour here than the King) *nihil se contra superioritatem Regis pretexere*, as it is observed out of *Titus Livius*, who [p] then wrote the Acts of *Henry* the V. and the *French* war. But for the Kings of *England*, to this purpose, there falls somewhat more in the next Chapter touching the Title of *King* of *Kings*. Upon a like ground of meer Supremacy was that Law made by *James* III. of *Scotland*, wherein it is ordained, that *Sen* [q] *our Soverain Lord hes full jurisdiction* (so are the words of the Act) *and free Empire within this Realm, that his Hieneſs may make Notares and Tabelliones quahis instruments sall have full faith in all Causes and Contracts within the Realm; And in time to come that na Notar be maid or to be maid by the Emperours Authority, have faith in Contracts civil within the Realm, less then he be examined be the Ordinar and approved by the Kings Hieneſs.* Which Act as also that Rescript of our *Edward* II. before cited, were made to prevent that pretended Right which the Emperours challenge to them and their Count Palatins, in the making of Publique Notaries which may have credit no less universally than as if every place where they come, were subject to the Authority [r] by which they are created. The same Supremacy is acknowledged in the Kingdoms of *Danemark*, *Poland*, and elsewhere. Whence also it was that when *Alfonso* the IX. of *Castile*, would define what Kings were (after he had dispatched the particulars that belonged to the Emperour) he saies that they are, every one in his Kingdom, the Vicars or Vicegerents of God, placed over the People to govern them, [s] *bien assi come el Emperador en su Imperio*, that is, no otherwise than as the Emperour in his Empire. Therefore also *Antoninus* speaking of the difference between the Emperours Title which he hath before he is crowned, from that which he bears afterward (for, before he is to be named King of the *Romans*, and afterward Emperour) taxes it as an abuse in expression, [t] *Quasi minus fuerit* (as his words are) *Regem quàm Imperatorem esse, quæ barbara perversitas dicenda est.* Taking plainly the title of King, as it is, to be supreme in the greater Monarchies of *Europe*. But for this matter (which is indeed of it self most clear) whosoever shall be troubled with the obvious Opinions and Arguments of

m *Dors. clauſ. 13 Ed. 2. m. 6. in ſchedula.*

n *Conſtit. Othonis c. quanto & Cap. quoniam & ib. I. de Athona. Videſis Spec. tit de Inſtrum. Edit. §. 8. reſtat.*

o *Guil. Herbort. in Deciſ. Rotæ. Nov. tit. de Fide Inſtrum. deciſ. 5.*

p *Arniſæus de Jure Majeſtatis lib. 1. cap. 2. §. 6.*

q *Parl 3. Jac. 3. cap. 3.*

r *Spec. tit. de Inſtrum. editione c. 8. reſtat. Weſenbech. Paratit. ff. de fide inſtrument. &c.*

s *Partid. 2. tit. 1. Ley. 5. & 8.*

t *Chron. part. 3. tit. 22. cap. 10. §. 1.*

of the Civilians, as especially of that *Neopolitan Marta*, *Zoannettus*, and the like, who attribute all temporal Supremacy to the Empire of *Germany*, as it hath succeeded to *Rome*; let them more fully by particulars satisfie themselves out of those learned and judicious Lawyers that live under the Empire, *Henningius* [a] *Arnisæus*, and [b] *Bernardus Zieritzius*, besides [c] the Spanish *Zevallos*, *Albericus Gentilis*, and some more of the discreeter Civilians, who have both singularly disputed this question, and have also vindicated the Rights of supreme Majesty to other Kings of *Europe*, nothing at all derogating from the true Dignity of the Empire. And for the use of the title of *Emperour* in the stiles of other Kings thus much. And hitherto, of the title of King, as it denotes a Supreme upon Earth; whence (according to the course proposed) we come both to the same title as it is *Subordinate*, and to those great stiles of Honour *King of Kings*, and *Great King*, which it supporteth.

a *De Jure Majestatis lib.* 1. *cap.* 2.
b *Commentar. de Principum inter ipsos prerogativa. Genæ* 1612.
c *Tract. de cognit. per viam violentiæ gloss.* 18. *Disput. Regal.* 1. & *de jure belli lib.* 1.

CHAP. III.

I. *Of the title of* King, *as it is Subordinate in Subject-Princes. With some particulars of the Kingdom of the* Isle of Man.
II. *The Title of* King of Kings, *and* Great King. *With the old Ceremony of giving* Earth and Water *instead of* Homage.
III. *Of solemn* kissing *the* Feet, Hands *or* Lips *of Supreme Princes, and of* Adoration.

THE Name of King, as it denotes a Subject or Subordinate Prince, occurrs either for such as are supposed *Tenants* to the Emperour or Supreme Monarch, which are very obvious, or else for the *Sons* of Kings. Those of the first kind are frequent in the *Roman* Story, as we see in the Kings that were constituted under the Empire in *Parthia*, *Armenia*, *Arabia*, *Persia*, *Jurie*, and other Parts of the World. For they had (as *Tacitus* saies) *instrumenta servitutis & Reges*. Whence it is that in some Coins of *Trajan* we have REGNA ADSIGNATA, and REX PARTHIS DATUS, and the like. Thence is it that *Arrian*, in his *Periplus Ponti Euxini*, inscribed to the Emperour *Adrian*, so often mentions Kings with the Notes of ἔτω ἐκ τῆς παρὰ τοῦ σοῦ τῶν βασιλείαν ἔχει, *such a one holds his Kingdom as given him by your Father*, and ἔτω παρὰ σοῦ τῶν βασιλείαν ἔχει, *such an one holds his Kingdom as given him by your self*. And in the Laws of *Rome* it was capital [a] to him *cujus dolo malo factum erit quo* Rex *exteræ Nationis Populo Romano minùs obtemperet*, as *Scævola*'s words are; as if all Forreign Kings had been their Subjects. Neither is the holy Story without the Testimony of such Kings. For there we have divers Kings that were Subjects to *Kederlaomer* King of *Elam*, and other like are in the succeeding Times. And in the later Ages, the Emperour of *Germany* hath created some Dukedoms and other Territories into [b] Kingdoms, making the Kings his Tenants Feudataries,

a *Ad leg. Jul. Majestatis l.* 4. *cujusque.*
b *Videsis Radevic. lib.* 1. *cap.* 13. *Otton. de S. Blasio sub an.* 1186. *Theodoric. de Niem in vita Joannis PP.* 23. *pag.* 76. *&c. Joh. Dubravium hist. Bohem. lib.* 6. *Helmond. hist. Slavorum lib.* 1. *cap.* 8. *Arnold. Lubecens. Slavorum. lib.* 6. *cap.* 2. *Antonin. hist. part.* 3. *tit.* 19. *cap.* 6. §. 1. *Choppin. de Domanio Franciæ, lib.* 2. *tit.* 1. *Paul Jou in Legat. Moscovit. & Sigismund. in reb. Moscovitic. Cosmam Pragensem hist. Bohem. an.* 1086. *Laert. Cherubin. Bullar. tom.* 1 *p.* 37, 38, 40. *alios item* qui Reges, tàm à Pontifice Romano quàm ab Imperatore, constitutos, saltem prætensum à Pontifice Regum constituendorum Jus meminêre. Id nos heic consulto prætermisimus.

taries, yet crowning them and giving them *Merum Imperium*, or power of the Sword, or of Life and Death, as the Ceremony of the investiture imported, which was by the Delivery of a Sword. *Est enim* (saith [c] *Otto* of *Frinsinghen*, speaking of the use of the Emperours Court) *consuetudo curiæ, ut Regna per Gladium, Provinciæ per vexillum à Principe tradantur vel recipiantur.* This was the common Ceremony of Investiture of a subordinate King, as it is also justified by that of *Guntherus* speaking of *Frederique Barbarossa* his giving a Kingdom to one Brother and a Dukedom to the other, when they were at difference who of them should be King. The Emperour being at *Mersburg*, commands them both to come before him, and there so determines it,

[c] *De gest. Frederic. lib. 2. cap. 5 & Guntber. lib. 1. Austriados.*

> —— *Ut quædam Provincia tota* Guidoni
> *Cederet, at* Regnum *cum nomine* Petrus *haberet.*
> *Ergo ubi* vexillo *partem quam diximus ille,*
> *Hic autem* gladio Regnum *suscepit ab ipso*
> *(Hunc etenim longo servatum tempore morem*
> *Curia nostra tenet)* ——

But also at or soon after the time of these kind of Investitures, a Crown (which the same Authour calls *brevius Diadema* in regard of the Emperours) and other Regal Ornaments were commonly given, yet not (as I conceive) so much for a necessary part of the Ceremony of Investiture, as for a solemn attestation of it; the reality of the Investiture in the Empire consisting only or chiefly in the delivery of the Sword, though at *Rome* the Investiture of some Kings, that by the pretence of that See have had the Originals of their Dignity from thence only, appears to have been by the Popes giving or sending the Crown, Scepter, and Bull of Creation without any Sword, as we see in that of *Innocent* the Third's [d] Creation of *Calojoannes* into the title of King of *Bulgaria*. I say, of some Kings; for otherwise we see that by the very *Pontificale* [e] of *Rome*, the Sword is to be given by the Metropolitan to an elected King as if he received it by the immediate gift of him authorized by that See to make the Investiture. And as there was a known form of Investiture of subordinate Kings, so is there found a Prescript also for the quality of him that might be thus made a King by the [f] Emperour. In a little old Book Printed at *Paris* 1539. titled *La division du monde*, I read; *Le Prince que veult son pais estre reduit en royaume il doit aver quatre Duchez tenans l'une à l'autre, à chascune Duche quatre Citez, & que elles ne soient tenus que de luy, & chascun City une Archevesque, & a chascun Archevesque dix Evesques que nous appellons Provinces, ou autrement il ne poit estre Roy. Et si doit faire Roy per l' Empereur & se faire Corounner en allant par divers luy come son Maieur, ou faire tant que l' Empereur veut en son pais pour le corounner*, which is almost but the same that was before published in that which they call *La Salade* (a book of matter of Dignity and Honour, written in very old *French*, and revived into the same tongue of the later Ages by *Michael le Noir* under *Francis* the first in 1521. and then first printed) as I learn, out of some parts of it communicated to me by Mr. *William le Neve*, *York* Herald, a Gentleman of singular industry and ability in whatsoever belongs to this kind of observation. It was printed by the special leave and direction of *Francis* the First, and therefore also I thought it not unworthy of a memory here; though withall I understand

[d] *Laert. Cherubin. Bullar.* tom 1. *pag* 38: *ann. Chr.* 1203.

[e] *Cap. 8. hujus partis; vide pag.* 203.

[f] *De hac re consulas*, Cuspinian. *in Austria*, Petrum de Vineis *lib.* 6. *Epist.* 26. Fr. Hoton *ar. disp. de Feudis cap. de regnis in feudum datis*, &c.

ſtand not any ground or reaſon, or indeed colour why thoſe conditi-
b *Videſis D.D. ad C.6.quæſt. 3.c.Scitote.* ons [b] are or ever were requiſite in the creation of a ſubordinate King. But alſo by the general courſe of ſubordination, the Kings of [c] *Cyprus* have been Tenants to both Empires. And in the Eaſtern Parts no-
c *Arnold.Lubecenſ. Slavor. lib.5.cap.2.* thing is more frequent, than to have ſubject-Kings under the *Grand Signior* and the *Mogor*; and other ſuch examples are ſoon met with. But this title of King thus uſed, hath been quarrelled at by ſome, as if every kind of ſubjection and this Title were wholly incompatible. Therefore did *Francis* the firſt of *France* much diſlike, that *Charles* the V. ſhould
d *Bodin. de Repub.1.cap.9.* [d] call himſelf *King of Naples and Sicily*, enjoying them as the Popes Feudatary or Tenant. And, when Pope *Pius* V. would have made *Coſmo de Medices*, Duke of *Florence*, King of the ſame State, the Neighbour Princes by no means liked it, and the Emperor *Maximilian* II. anſwered directly to the *French* Kings Embaſſador about it, *Non habet Italia Regem niſi Cæſarem*: according to that of *Martial*,

Qui Rex eſt Regem, Maxime, *non habeat.*

whence it was that in the Compoſition of all Controverſies between our *Henry* the II. and his ſon *Henry* (who was crowned in his fathers life time) when the ſon would have done homage to his father, the father would not accept it, *Quia Rex erat, ſed ſecuritatem accepit ab eo*, as *Hovedens* words are: as if ſuch a title of Dignity, and the doing of homage or expreſſing of ſubjection, could not have ſtood together. But this and other ſuch paſſages muſt be underſtood, as the name of King denotes ſupremacy; the uſe of it in this other ſenſe, as it is a ſubordinate Title, being antient and frequent in the Empire and elſewhere, and not without examples alſo with us in *England*. For in that
e *Ethelwerd.l.3. c.2. Beda hiſt. Eccleſ.2.cap.5.* circa Dccc.xx. *Heptarchy* of our *Saxons*, ſix of the Kings were uſually but as ſubjects to the ſeventh being ſupreme, whom they called [e] *Anglorum Rex primus*, or ſuch like, which was as well given to others (the firſt, that had it, being *Aella* King of *Suſſex*) as to that *Egbert*, whoſe Glory and Greatneſs conſiſted rather in the ſwallowing up of the other ſubject Kingdoms into his own Rule, and in the new ſtiling the *Heptarchy* by the name of *England* (for he, *in Parliamento*, ſaith my [f] Author, *apud* Wintoniam *mutavit nomen Regni, de conſenſu populi ſui, & juſſit illud de cætero vocari* Angliam) than in having a larger dominion than any of his Predeceſſors.

f *Ex Inſtrum. lib.Hoſpital.S. Leonardi Ebor. Ms. In bibl. Cottoniana.* Idem ferè in *Alred.Rhivallenſ. vita* S. *Edwardi.* Verum ab Anglorum adventu ita dictam ſcribit *Jo. Sariſburienſis Policratic. 6.cap.16.* alii ab Hengiſto, *ut Hector Boet. Scot.hiſt.7.& Jo.Gower Epig.in Confeſſ. Amantis, & Hardineus.*

The like were thoſe Kings of the Iſle of *Man*, who were ſubject firſt to the Kings of *Norway*, then to the Crown of *England* (under King
g *Chronic.Reg. Mannis.* [g] *John* and *Henry* the third) and afterwards to the Kings of *Scotland*, and ſince again to the Crown of *England*. They both ſtiled themſelves Kings in their Seals inſcribed with *Rex Manniæ & Inſularum*, and were ſo titled by their Superiour Lords, as we ſee in that of our *Henry* the third's teſtifying, that he had received the homage of King *Reynold*. *Sciatis* (ſaith [h] he) *quod dilectus & fidelis noſter Reginaldus* Rex de Man *venit ad fidem & ſervitium noſtrum & nobis homagium fecit.* But they were alſo in later times, titled the *Lords of Man* or *Domini Manniæ*, by which Title the Dignity was not ſo reſtrained that therefore the name of King was taken from them. For our ſtories tell us expreſly, that the Lords of *Man* had withal the name of King and might uſe alſo a Crown of Gold: ſo ſays *Thomas* of *Walſingham*, where he relates that *William Montague* Earl of *Salisbury*, under *Richard* II.

h *Pat.3. Hen. 3. membr.1.*

ſolc

sold the Isle to Sir *William Scrop*. *Willielmus Scrop* (so [i] are his words) *emit de Domino Willielmo de Monte-acuto Comite de Sarum, Insulam Euboniæ* (which is the old name of the Isle) *cum Corona. Nempe Dominus hujus Insulæ* Rex *vocatur, cui etiam fas est Coronâ aureâ coronari.* And another to the same purpose in the [k] publick Library at *Oxford. Est nempe jus illius Insulæ ut quisquis illius sit Dominus*, Rex *vocetur: cui etiam fas est Coronâ Regiâ coronari.* But in the memories which remain of the gifts of this Island made by our Kings, to such as have been since vulgarly stiled Kings of *Man*, the name of *King* or Kingdom is not found, but only the title of *Lord*; but with the addition of holding it as amply and as freely as any before had it. And while also it was in the hands of that *William* Earl of *Salisbury*, he titled himself, it seems, only *Lord of Man* or *Seignor de Man.* For so I find him in his Charter sealed with the Arms of that Island quartered with those of his own Family under a Crown that is only fleury with eight flowers whereof four are much larger than the rest. It was made 22. *Februarii, 6 Rich.* 2. to his *beloved Esquire Robert Sparry*, for settling in him an estate in fee of divers lands and possessions in *Sutton, Mountagu, Crowthorn*, and *Crofton Denham* in *Somersetshire*, and came to my hands through the noble favour of the right honourable *Henry* Earl of *Huntingdon.* The Earl of *Salisbury*'s stile in it is *Gilliam Conte de Sarisbiry Seignior de Man & de l' Isle de Wight.* By the name of Lordship also it was given by *Henry* the Fourth to *Henry* Earl of *Northumberland*, as an Island won by conquest from Sir *William Scrop*, whereas indeed the conquest was no otherwise than that Sir *William Scrop* was taken at *Bristow* and beheaded by those which were of the part of this King while he was Duke of *Lancaster* and made his way for the Crown. And the words of the Patent are most observable. He [l] gives him, *Insulam, Castrum, Pelam & Dominium de* Man *ac omnia Insulas & Dominia eidem Insulæ de* Man *pertinentia, quæ fuerunt* Willielmi le Scrop Chivaler *defuncti quem nuper in vita sua* conquestati *fuimus & ipsum sic* conquestatum *decrevimus, & quæ ratione* conquestus *illius tanquam* conquestata *cepimus in manum nostram, quæ quidem decretum &* conquestus *in presenti Parlamento nostro* (that is, the Parlament of the first year of his reign:) *de assensu* Dominorum Temporalium *in eodem Parlamento existentium quoad personam præfati* Willielmi *ac omnia terras & tenementa Bona & catalla sua tam infra dictum regnum quàm extra ad supplicationem Communitatis dicti regni nostri affirmata existunt.* But it is not so much a wonder to see him give it as a Territory acquired by conquest, if withal it be remembred that he had a purpose to have challenged the Crowns of *England* and *Ireland* by a title of the Sword and not by Inheritance. But he was dissuaded from that claim by Sir *William Thirning* Chief Justice of the common Pleas, who was employed under him in his greatest affairs of State: and thence was it also that to give some satisfaction to the Parlament that doubted it, he [m] made a publick protestation, that he *would not that any man should think, that by way of conquest he would disherit any man of his heritage, Franchise, or other rights, &c.* and therefore also he claimed the Crown by pretence of hereditary discent. But for the title to the Isle of *Man*, he altered not his purpose, it seems, nor did he continue in it without the consent of the Parlament, that thus affirmed it to be by conquest. Some years afterward, the Earl of *Northumberland* forfeited it, and it was in the same words given to Sir *John Stanley* [n] to hold it in Fee

i 17 *Rich.* 2. *sub ann. d.* 1393.

k *Chronic. ms. ab ann.* 43 H. 3. *ad* 7 H. 5. *cui sciolus aliquis nomen* Guil. Rishanger *temerè non per præfixit: sub anno d.* 1392.

l *Pat.* 1 *Hen.* 4. *part.* 5. *memb.* 36.

m *Rot. Parl.* 1 *Hen.* 4. & *Chronic. ms. a.* 43 H. 3. *ad* H. 5. *in* Bibl. Bodleiana. *Th. de Walsingham pag.* 360. *edit. Francofurt.*

n *Pat.* 7 H. 4. *part.* 2. *memb.* 18.

by the tenure of two Falcons, to be presented to the King at his Coronation; whereas the Earl of *Northumberland*'s tenure was to carry the Sword, called *Lancaster Sword* (being the same that *Henry* the IV. wore when he first arrived in *England*) at the Coronations of the King and his Successors. By this title it hath continued to this day in the posterity of Sir *John Stanley*, the Earls of *Derby*, who have also by the same grant (as the Earl of *Northumberland* had) the Patronage of the Bishoprick of *Sodor*, and are in common speech named *Kings of Man*. And indeed that having the Patronage of a Bishoprick is such a special mark of Royalty in a Subject, as hath not at this day nor for divers ages hath had an example in any Territory of the Crown of *England*; Although in more antient times there be expres testimony of Subjects being Patrons of Bishopricks in *England* also; as we see in the [o] Bishoprick of *Rochester*, which was of the Patronage of the Archbishop of *Canterbury*, as also the Advowson of the Bishoprick of *Landaffe* was [p] in the Earls of *Glocester*. Like this Title of *King of Man*, was that of *King of the Isle of Wight*, in the great *Beauchamp* Earl of *Warwick*, under *Henry* VI. who [q] was then crowned King of the same Isle. Such were the old Kings of *Ireland* under the Crown of *England*. *Henry* the II. granted to *Roderique* King of *Conaght*, that he should enjoy his Territory paying a certain tribute, [r] *& quamdiu ei fideliter serviet, ut sit Rex sub eo Paratus ad servitium suum sicut homo suus.* And in the [s] grants made by King *John* and *Henry* III. to the Kings of *Conaght* and *Tesmond*, the like title of *Rex* is often given them, as it is also observed by the learned Sir *John Davis* late his Majesties Attorny General for *Ireland*; as also in the Pipe Rolls of *Henry* III. his time, yet remaining in *Bremighams* Tower in the Castle of *Dublin*, sometime *Oneale Rex* (upon accounts) sometime *Oneale Regulus*, denotes the subject-Kings of that Country. But it is most observable that some of those Kings, though they bore that title, were yet, as they were Kings, subordinate even to Earles created there by the Lords of *Ireland*, and held their Kingdoms or their *Regalitatem* of them. So much appears in this deed of Covenants for payment of CL Cows, giving of hostages, keeping obedience, and some other things, made by *Odo Onel* King of *Ter-Conel* in 35 *Hen.* 3. to *Walter de Burgo* or *Burk* then [t] Earl of *Ulster*. *Omnibus præsens scriptum visuris vel audituris*, Odo Onel *Rex* Kenelean, *Salutem. Noverit universitas vestra me teneri Nobili viro Domino meo, Domino* W. de Burgo *Comiti* Ulton *& Domino* Conac. *in tribus millibus & quingentis vaccis solvendis eidem videlicet ad festum omnium sanctorum, anno Regni Regis* Henrici *quinquagesimo quarto Mille vaccas, & ad Natale Domini proxime sequente Mille vaccas, & ad festum inventionis S. Crucis anno eodem Mille & quingentas vaccas sine ulteriori dilatione. Insuper teneor, liberare Domino Comiti infra prænominatum festum omnium sanctorum quatuor Obsides, videlicet,* Conleht *filium meum si quo modo ipsum habere potero & filium* Ogalmuhtun *de legitima sponsa sua procreatum & filium vel fratrem* Mackanewel *secundum filium,* Okarry *alumpnum meum de legitima sponsa sua procreatum, vel filium fratris sui. Et si obsides prænominatos præfato Domino Comiti, ut prædictum est, non fecero liberari, ego teneor redire ac reverti ad Dominum Comitem & me subjicere in omnibus Prisonæ & voluntati suæ. Insuper promisi & obligavi me sub pœna excommunicationis de cetero tenere & custodire* Alianoram *sponsam meam & Consanguineam Domini Comitis bene & honorifice, eidem fideliter necessaria ministrando,*

[o] *Rot. Cart. 16. Reg. Joh. membran. 4.*
[p] *Cod. ms. Bullar. in Recept. Scacc. fol. 166. & Cod. Parlam. Ed. 1. in Arce Lond. fol. 19. & 21.*
[q] *Hist. Teukesbur. Ms.*
[r] *Transactio inter Hen. II. & Roderic. apud Roger. de Hoved.*
[s] *Clauf. R. Joh. 6. memb. 18. 17. Joh. Chart. memb. 3, 6. Hen. 3. Chart. memb. 2. in Arce Londinens.*
[t] *Videsis quæ ex Tabulariis Regiis Hiberniæ habet Camdenus in Brit. pag. 773.*

&

& omnia jura sua tam in terris quàm in aliis bonis quæ ad eum spectare dinoscuntur, secundùm usum & consuetudinem terræ meæ sine fraude eidem restitui & rehaberi faciam. Et ad hæc omnia supradicta fideliter & firmiter observanda super sacrosancta Domino Comiti præstiti Juramentum, volens & concedens si illud infregero, quod absit, quod licitum sit Domino Comiti me ejicere à Regalitate quam ab eodem tenere debeo, sine spe gratiam vel misericordiam adipiscendi, & eandem, cuicunque sibi placuerit, sine contradictione seu vendicatione mei vel meorum conferre. *Et insuper obsides prænominati pro voluntate sua . . . . . antur. In cujus rei testimonium has literas meas Domino Comiti fieri feci patentes. Dat. apud* Ancr. *secundo die Octobris anno Regni Regis* Henrici *quinquagesimo tertio.* And observe here the special subordination of this King of *Tirconel*. For *Henry* the third had given the year [p] before the Lordship of *Ireland*, to Prince *Edward* (afterward *Edward* the first) and under him had that *Walter de Burke* the Earldom of *Ulster*, and under the Earl, this *Odonnel* his Kingdom. The use of the Original, whence I took this, was vouchsafed me among other things by that most noble and learned Lord the late Earl of *Leicester*. It was left in the Cabinets of his Father, Sir *Henry Sidney* that had been thrice Lord Deputy of *Ireland*. And of the first kind of Subjects that have the title of Kings, hitherto.

[p] *Rot. Pat. 52. Hen. 3. memb. 9.*

The Second kind are the *Sons of Kings*. But I make them not a part in this Division from any other ground than the passages of some forreign Lawyers that affirm as much: there is a frequent opinion among them, that [q] *Filius Regis Rex vocari debet, quamvis regnum non habeat*, and that he is *Rex quoad nomen & dignitatem*, but not *quoad jurisdictionem, administrationem, vel alia similia quæ respiciunt Dominium.* But at this day, as I conceive, there is no use of this appellation in the sons of any Kings, howsoever in the antienter times about DCCC years since, the fashion in *Spain* was that the sons of the Kings there, in their fathers life time were stiled so both by their fathers and by themselves, as *Ludovicus de Molina* [r] hath noted out of the Charters of Privilege given by them which reigned in the age immediate after King *Pelagius*, to the Churchs of *Oviedo*, *Compostella*, and others: and the like occurrs in the elder times of the State of *France*. And in the old Eastern Empire, the Lady *Anna Comnena*, daughter to the Emperor *Alexius*, is stiled Βασιλισσα that is, *Queen*, in the title of her *Alexiados*. But the Lawyers do not otherwise allow that name to the sons of Kings, than they do the name of Duke, Earl, or Marques, to the sons of Dukes, Earls, or Marquesses, whereof more in the second Part. And for the name of King thus applied, you may see *Alfonso de Azevedo*, *Didacus Perez*, *Molina*, *Tiraquel*, and others which they cite to the same purpose.

[q] *Gomez. ap Azeved. in Constit. Reg. lib. 1. tit. 3. §. 3. Didac. Perez in leg. Castellæ lib. 2. tit. 2. Tiraquell. de jure primigenitorum quæst. 33. &c.*

[r] *De Hispan. Primogenitis lib. 3. cap. 6. §. 15.*

[s] *Daniel c. 2.* מלך מלכיא *Ebraicè* מלכום quo nomine Romanum Imperatorem vetustiss. Rabbinis dictum notat. CL. V. & literarum (dum vixit) præses *IS. Casaubonus* ad Trebel. Pollionis *Valerianos.*

II. The title of King thus applied to Subjects, was the cause of that great Attribute of *King of Kings*, used by some supreme Monarchs. It was first in the *Assyrian* Empire. *Nabuchodonosor* [s] is so stiled in the holy Story, being then King of *Babylon*. And after the translation of this Empire to the *Persians*, *Artaxerxes Mnemon* in his commission to *Ezra*, for the restitution of *Jerusalem* and the *Temple*, thus salutes him. *Artaxerxes* (or *Arthahasta*, as in the Original) *King of Kings to Ezra the Priest.* And on the great *Cyrus* his Tomb this Epitaph was written in *Persian* Characters, if you believe [t] the Authors that have it;

[t] *Eustath. ad Dionys. Periny & Strab. Geograph. 15.*

Ενθαδ' ἐγὼ κεῖμαι Κῦρος Βασιλεὺς Βασιλήων.

that is, *Here I* Cyrus *lie who was* King of Kings: which title alo, that conquering [e] *Seſooſis* King of *Egypt* (the ſame with *Seſoſtris* in *Herodotus*) attributed to himſelf in his erected Columns of Victory. And *Plutarch* reports that *Tigranes*, King of *Armenia*, was angry and would not vouchſafe to anſwer *Lucullus*, ὅτι Βασιλέα μόνον αὐτὸν ὁ Βασιλέων ἐν τῇ ἐπιστολῇ προσηγόρευσεν, i.e. becauſe *in his Letter he had ſtiled him King only and not King of Kings.* The uſe alſo of this title among the *Parthian* Kings, is expreſly ſeen in the lives of *Auguſtus* and *Veſpaſian* in *Dio* and *Xiphilin.* The ſame title had *Artaxerxes Longimanus* of *Perſia*, as we ſee in the [f] Epiſtle of *Hippocrates*, where he is call'd alſo Βασιλεὺς ὁ μέγας, i.e. *the great King.* This of *Great King* was likewiſe uſed in the firſt Empire: we read in the ſtory of *Judith*, in the name of the *Aſſyrian* Emperor, *Thus ſaith the great King, Lord of all the Earth.* And the Prophet *Eſay*, *So ſaith the great King, the King of Aſſur.* The ſame, applied to the *Perſian*, occurrs in *Herodotus*, *Xenophon*, *Joſephus*, the *Apocrypha* of *Eſther*, *Plutarch* and *Æſchylus.* And the bare [g] name of ὁ Βασιλεύς, i. e. *The King*, without addition, is eſpecially uſed for the *Perſian*, whence the Nation is [h] ſtiled alſo ——— Ἀσίης βασιλεύτατον ἔθνος, that is, *The moſt Kingly Nation.* So that both thoſe titles of *King of Kings*, and *Great King*, were common to thoſe Emperors of the two firſt Empires, as alſo (if we believe the hiſtory of *Judith*) that ceremony of receiving an acknowledgment of Regal ſupremacy (which by the way I note here, becauſe it was as the homage received by Kings in that time, from ſuch Princes or People as ſhould acknowledge themſelves under their ſubjection) by the acceptance, upon their demand, of *Earth* and water. This demand is often ſpoken of, as uſed by the *Perſian*; and a ſpecial example of it in *Darius* his [i] Letters to *Indathyrſus* King of the *Scythians*, where he firſt invites him to the field, but, if he would not, then, Δεσπότῃ τῷ σῷ δῶρα φέρων ΓΗΝ τε καὶ ΥΔΩΡ ἔλθε ἐς λόγους, i. e. *bringing to your Sovereign as gifts, Earth and water, come to a parley.* And, one of *Xerxes* his Embaſſadors that came to demand [k] *Earth* and *Water* of the State of *Lacedæmon*, to ſatisfie him, was thruſt into a Well, and Earth caſt in upon him. But indeed I find it not referr'd to the *Aſſyrian* Empire except only in *Judith*, where the King commands *Olophernes* that he ſhould bid all the Weſtern Nations ἑτοιμάζειν μοὶ γῆν καὶ ὕδωρ, i.e. *prepare me Earth and Water*; And thence a moſt [l] learned Man of this Age, makes it indifferent to both Empires. Nor is this cuſtom altogether a ſtranger doubtleſs to that which [m] *Pliny* ſpeaks of; *Summum* (ſaith he) *apud antiquos ſignum victoriæ erat, Herbam porrigere victos, hoc eſt, terrâ & altrice ipſâ humo, & humatione etiam cedere: quem morem etiam nunc durare apud Germanos ſcio.* Whence the phraſe *Herbam dare* or *porrigere*, came to denote yielding; applied [n] moſt of all to thoſe which loſt in Games of running, leaping wraſtling, and ſuch like. *In Agonibus* (ſaith [o] *Varro*) *herbam in modum palmæ dat aliquis ei cum quo contendere non cupit, & fatetur eſſe meliorem.* And, by a fancy applied, it ſeems, to theſe kind of ceremonies, the taking up of fiſh amongſt water out of a Well, was interpreted as a promiſe of the Dominion [p] of the Sea, to the *Athenians* in their ſacrifices in *Delos*; as alſo, when *William* the *Norman* firſt landing at *Haſtings* in *Suſſex*, fell down, ſtumbling as he came out of his ſhip; *You have poſſeſſion of England*

[e] *Diodor. Biblioth. a.*

[f] *Hippocrat. in Epiſtolis.*

[g] *Scholiaſt. Ariſtophan. in Ἀχαρνεῦσι.*

[h] *Dionyſ. Afer. in περιηγ.*

[i] *Herodot. in Melpom.* & videſis *Epiſt. Coon ad Artaxerx.* ad finem Hippocratis.

[k] *Polyb. hiſt. 9. in orat. Luciſci.* & de hoc more, *Plutarch. in Themiſtocle.*

[l] *Druſ. Obſervat. 12. c. 20.*

[m] *Hiſt. Nat. 22. cap. 4.*

[n] *Nonius* & *Feſtus.*

[o] *In Antiquitatib. apud Servium in Æneid. 8.*

[p] *Semus ap. Athen. Dipnoſoph. 8.*

gland, Sir, and you shall be King (q said one of his Knights) and observing that r he had took up Sand and Earth in his hand, he added; *And you have taken Livery and Seisin of the Country.* But, this is somewhat out of the way. That of *King of Kings*, hath also been used by other States besides any of those Empires. After the *Persians*, their neighbours the *Parthians* had it. *Regem etiam Regum & exercitatione venandi & convictu Megistanûm abstinuisse, quod apud Parthos justitii instar est*, are the words of s *Sueton* upon the death of *Tiberius*: whence, it seems, it was left long after to t the Prince of *Armenia*, stiled Ἀρχων τῶν Ἀρχόντων, i.e. u *The Prince of Princes*, as the elder *Valerian* was also expressly titled in Letters of an Eastern King. Of the Egyptian *Sesostris*, before. And when *Antony*, to render himself to *Cleopatra*, brought her the King of *Armenia* captive, and then liberally gave her sons both *Armenia*, *Parthia*, and *India*, he titled them x *Kings of Kings*, and stampt monies also with this Inscription, y *Reginæ Regum filiorum Regum Cleopatræ.* How the later Emperors affected it, I remember not. But *Maximilian's* jest was, that whereas others were *Reges Hominum*, he was *Rex Regum*, because his subjects would do but only what they list. But it is also found among the titles of the Kings of *England*, when under them they had Kings for subjects. In a Charter made to the Abbey of *Malmesbury*, in DCCCC. LXXIV. the like stile is. *Ego Edgarus totius Albionis Basileus, necnon maritimorum seu Insulanorum Regum circumhabitantium.* And in z another DCCCC. LXIV. the subscription is: ✠ *Ego Edgar Basileus Anglorum & Imperator Regum Insularum.* Note the Majesty of his title, well justified by his own Conquests. *Ille cum ingenti Classe* (saith *Florence* of *Worcester*) *septentrionali Britanniâ circumnavigatâ, ad Legionem Urbem* (that is *Chester*) *appulit. Cui Subreguli ejus octo Kinathus scilicet Rex Scotorum, Malcolmus Rex Cumbriæ, Maccus plurimarum Rex Insularum* (this *Maccus* is, in *Malmesbury*, called *Maccusius Archipirata*; he was then King of *Man*, and some adjacent Isles) *& alii quinque Dufnallus, Siffrethus, Hudwallus, Inchillus* (all Kings of *Wales*) *ut mandarat, occurrerunt & quod sibi fideles, terra & mari, cooperatores esse vellent, juraverunt. Cum quibus die quadam scapham ascendit, illisq; ad remos locatis, ipse clavum gubernaculi arripiens, per cursum fluminis Deæ, peritè gubernavit*, glorying afterward to the Nobility, *tunc demùm quemq; suorum successorum se gloriari posse Regem Anglorum fore, cum tot Regibus sibi obsequentibus potiretur pompâ talium* a *honorum.* The like almost being before in his Uncle *Athelstan*, who (as *Malmesburies* words are) *Ludwalum Regem omnium Wallensium* (I read *Occidentalium Wallensium*, as *Florence* of *Worcester* and *Roger* of *Hoveden* perswade; and that *Ludwal* was *Howel Dha*:) *& Constantinum Regem Scotorum cedere Regnis compulit. Quos tu. non multò post miseratione infractus in antiquum statum sub se regnaturos constituit, glorioſius esse pronuncians Regem facere quam Regem esse*; which was expresst in that upon *Charles* b *Martels* tomb.

q *Malmesbur. de gest. Reg. li. 2*
r *Hist. Normanic. ap. Camd. in Reliquiis.*
s *In Caligul. cap. 5.* vid. *Treb. Poll. in Valeriano, & ibi Casaubon.*
t *Const. Porphyrogenit. de administ. Rom. Imp. cap. 44.*
u *Trebell. Poll. in Valerian.* Princeps Principum.
x *Xiphilin. in Augusto.*
y *Adolph. Occo de Numisnat. pag. 33.*
z *Pat. 1. Ed. 4. part. 6. memb. 23. Pro Pr. & conventu Wigorn.*
a Non bonorum: *ut in vulgat. Cod. Florent. Wigorn. pag. 359.*
b *Hieron. Bigot, De l'excellence des Roys, liure 3.*

Non vult Regnare sed Regibus imperat ipse:

imitated in more true Verse, thus:

C'est ce Martel le Prince de François
Non Roy de nom, mais le Maistre des Roys.

But

But for that of *Athelſtan*, becauſe ſome make ſlight of the report and endure [d] not the uſual authorities that prove it, you may ſee the concent of *Ethelwerd*, *Hoveden*, *Florence* of *Worceſter*, *Henry* of *Huntingdon*, and other Antients. But thoſe ſubject Kings alſo fully maintain that Title of Emperor in *Edgar*'s ſtile, and ſhew the higheſt note of ſupreme Dignity in him, that the Emperor of *Rome* could any way challenge: although no argument ſo really juſtifie the ſupreme title of Emperor in our Sovereigns, as their own independent Right, which was juſtly challenged and preſerved by our *Edward* III. when the Emperor *Lewes* of *Baveire* would have had him kiſt his feet in their enterview at *Cologne*. The Emperor (ſaith *Walſingham*) thought much *quod Rex Angliæ non ſe ſubmiſit ad oſcula pedum ſuorum.* But the King of *England* anſwered him that he was *Rex inunctus, & habet vitam & membrum in Poteſtate ſua, & idcirco non debet ſe ſubmittere tantum, ſicut Rex alius:* meaning that the King of *England* was no way different in ſupremacy or independency from the higheſt Emperor whatſoever. Neither have the moſt judicious Lawyers of the Empire any other reaſon of their Emperors Dignity or Precedence before other ſuch abſolute Kings, than as the words of the moſt learned [e] *Arniſæus* are, *Quòd omnia Regna ſuperat Imperium antiquitate*, which (admit it were clearly true) can be no cauſe of Superiority though it may be of Precedence.

d *V. Buchanan. Rer. Scotic. 6. Reg. 75.* Sed & de hac re præter ſcriptores noſtros, vide *Arniſæum de jure Majeſtatis lib. 1. cap. 5. §. 4.*

e *De jure Majeſtatis lib. 1. cap. 4. §. 1.*

III. That of *Kiſſing* of the Emperor's feet (which occurrs here and not untimely to be obſerved) was derived from the old uſe of it in the height of the *Roman* Empire, which yet was ſometimes turned into kiſſing the hand, the knee, or the lips. For, whereas it was uſual either to kiſs [f] the Images of their Gods, or, adoring them, to ſtand ſomewhat off before them, ſolemnly moving the right hand to the lips and then, caſting it as if they had caſt kiſſes, to turn the body on the ſame hand (which was the right form of Adoration) it grew alſo by cuſtom, firſt that the Emperors being next to Deities, and, by ſome, accounted as Deities, had the like done to them in acknowledgment of their Greatneſs. Neither was it wanting to ſome of the Roman Generals, before the Empire began, as we ſee in the ſtory of *Cato Minor*, whoſe hands the ſouldiers kiſt, in ſpecial honour of him at his departure; being a favour which few [i] of his place in thoſe daies received among the Romans. And for kiſſing the Lips alſo, it is apparent that at firſt it was very uſual in the Empire. *Oſcula cottidiana* (ſaith *Sueton*, of *Tiberius*) *prohibuit edicto.* Yet his Edict againſt them, ſo took not the uſe away, but that it was frequent, after him, in their ſalutations. The reading of *Martial* alone tells every man enough of that. But, when ſome of his Succeſſors could not content themſelves with the name of *Man*, but would be call'd *Jupiter*, be ſuppos'd carnally to lie with *Venus* and the *Moon*, and upon their infinite ſuch like fanatick conceits, pretended themſelves to be Divine; they were not ſatisfied with thoſe uſual cuſtoms, but they thought themſelves much wronged and their majeſty impaired if they, who ſaluted them, preſumed to kiſs above their Feet; although ſome of them alſo permitted their Hands, and Knees to the better rank. Examples of kiſſing their Feet and Hands are in [k] *Caligula* (and in him firſt) and of the Knees, Feet, and Hands in the younger *Maximin*; yet his father the elder *Maximin*, although a Tyrannical and moſt wicked Prince, would [l] ſuffer none

f *Cicer. in Varr. act. 5.* de Herculis ſtatua. & *Lucret. lib. 1.* ſæpè ſalutantum, &c.

g *Apuleius Mileſ. 4. & Plin. hiſt. 28. cap. 2. alii.* & videſis *1 Reg. cap. 19. 18. & Job. 31. cont. 26. & 27.*

h *P. Pithæus Adverſ. 1. cap. 7 & Lipſ. Elect. 2 cap 6.* Verum de Adorationis hujuſmodi more videndus imprimis doctiſſimus *Cl. Salmaſius in Vopiſci Probum.*

i *Plutarch. in Cat. Min.* de hac re: vide eum *in Bruto*, ubi de conjuratis in *Cæſarem.*

k *Dio Caſſ. hiſt. 59.*

l *Capitolin. in Maximino juniore.*

none to his Feet; *Dii prohibeant* (were his words) *ut quisquam ingenuorum pedibus meis osculum figat.* But *Diocletian* (as *Pomponius Lætus* writes) constituted by Edict, *uti omnes, sine generis discrimine, prostrati pedes exoscularentur: quibus etiam venerationem quandam adhibuit exornans calciamenta auro, gemmis, & margaritis.* As the Bishop of *Rome* doth for those which kiss his Foot; being in a crimson [k] velvet shoe with a golden cross on it. A ceremony antiently used to other Bishops [l] and great Prelates as well as the Pope. But, of this custom to the Emperors. *Tenuêre* (saith *Lipsius*) *superbum, ne dicam impium hunc morem* (*quid n. homo, infra hominem, hominem abjicis?*) *Principes aliquot secuti, sed non è bonis.* And of one of their best Princes, *Alexander Severus*, it is delivered by *Lampridius*, that *Salutabatur nomine, hoc est, Ave Alexander. Si quis caput flexisset, aut blandius aliquid dixisset uti adulator, vel abjiciebatur, si loci ejus qualitas pateretur, vel ridebatur ingenti cachinno, si ejus dignitas graviori subjicere non posset injuriæ.* And [m] *Martial* in *Trajan*'s time, rejects those base flatteries that had been used to *Domitian*, and

k *Basingstoch. hist. Brit. 6. not. 6.*

l *Casaubon. Exercit. 14. §. 4. in Baronium.*

m *Lib. 10. Epig. 72.*

Ad Parthos, saith he, *procul ite Pileatos,*
Et inopes humilésque supplicésque
Pictorum sola Basiate Regum.

That, to the Knee, was of later time in the [n] Eastern Empire, which *Conrad* III. extremely dislik'd at his enterview with *Emanuel Comnenus*: neither would he, for honour to the Person he did bear (being Emperour of the West) so much as permit the Emperour *Emanuel* to sit and receive a kiss of salutation from him standing. Whereupon the matter was compos'd by their Counsellours on both sides, so, that *in Equis se viderent, & ita ex paritate Convenientes sedendo se & osculando salutarent.* Neither would *Muleasses*, King of *Tunis*, kiss Pope *Paul* III. his Foot, but his Knee only. But kissing the Hand of great Princes is yet usual, and it is offered frequently as a testimony of serviceable love to other great Persons; as it was antiently [o] also. *Inest* (saith *Pliny*) *in aliis partibus quædam religio, sicut Dextra Osculis aversa appetitur, fide porrigitur.* Perhaps this kind of Kissing came to *Rome* first from the old customs of the *Asiatick* Kingdoms. For, *when the old Persians meet* (saith *Herodotus*) *you may know whether they be Equal or not; for in Salutation they kiss each other, but if one be somewhat inferior they kiss only the cheeks: but if the one be far more ignoble* (πολλῷ πλέον [p] προσκυνέει τὸν ἕτερον) *he falls down adoring the other.* For, adoring simply is often taken only for a man to kiss his own hand or fore-finger with the bending of his body; but the falling down also (which supplies the kissing of the feet) joyn'd with that ceremony, particularly denotes the *Persian* adoration. And as it appears out of that of *Martial* before cited, they did also (if the distance permitted) kiss the feet in the adoration of their Kings. Thence have you *adorari more Persarum* & Νόμοις Βασιλείοις. Which is exprest by *Euripides* thus personating *Phrygius*, to *Orestes.*

n *Helmold. hist. Sclavor. 2. cap. 15.* edit. Reineccii. *v. Cantacuzen. hist. 1. cap. 16.*

o *Arrian. in Epictet. 1. cap. 19. Senec. Ep. 115.* alibi.

p Hac ferè phrasi utitur *D. Matt. cap. 4. com. 9.* atque idem est quod *Curtio lib 8.* procumberé.

Προσκυνῶ σ' Ἄναξ νόμοις Βασιλείοις
Πεσὼν———

that is, Falling down, I adore thee, O King, after the *Persian* manner.

And

And, *Ipſe* (ſaith *Lampridius* of *Alexand. Severus*) *adorari ſe vetuit* (meaning with the Divine reſpect of kiſſing the hand) *quum jam cæpiſſet Heliogabalus adorari Regum more Perſarum.* Another of [q] *Zenobia: Adorata eſt more Regum Perſarum.* Whence, *Seneca* [r] ſpeaking of *Caligula*'s offering his foot to kiſs, ſaies, he was *homo natus in hoc, ut mores liberæ Civitatis Perſicâ ſervitute mutaret.* But, in *Alexander*'s turning the *Græcian* liberty into this ſervitude, Q. *Curtius* expreſſes it by *venerari, procumbere, & humi corpus proſternere.* And thereof ſaith *Juſtin*, *Retentus eſt à Macedonibus mos ſalutandi Regis, explosâ adoratione.* But that greateſt kind of adoration (after the old *Perſian* manner) is uſed to this day to the Great Duke of *Moſcovy*, the King of *Calecut*, the Great *Chan*, the *Turk*, and ſuch more. And a part of it is yet retained in that uſe of kneeling to the greater Princes of *Europe*; and [f] kiſſing their hands. But for the uſe of Adoration in the Empire, moſt particularly *Procopius.* He ſaies that [t] the antient uſe, before his time, was that one of the dignity of a *Patricius*, in his addreſs to the Emperour, παρὰ μαζὸν αὐτῦ προσκύνῃ τὸν δεξιὸν, *worſhipt* or bended himſelf *to the Emperour's right pap*, and that the Emperour diſmiſſed him with a kiſs on his forehead; but that all others of leſs dignity γόνυ κλίναντες βασιλεῖ τὸ δεξιὸν ἀπῆλθον, *kneeled to the Emperour on their right knee and ſo departed.* And that no uſe was of adoration to the Empreſs. But that *Juſtinian*, among other things which by *Theodora*'s perſwaſion or for her ſake he innovated, made it a Law that as well every *Patricius* as any other that came in ſight of either him or her, ſhould preſently fall εἰς τὸ ἔδαφος ὅλῳ σώματι χαμαὶ καὶ ποδῶν ἐς ἄγαν τεθαρσηκότων τῇ χειρὶ ποδὸς ἑκατέρου ἁψάμενον, *upon the ground, on his face, and lifting himſelf up on his hands and feet, ſhould kiſs both the feet of each of them.* But alſo that kiſſing of the feet hath been uſed in *Europe* at the doing of Homage upon Inveſtitures received from great Princes, as [u] we ſee in that of *Rollo* or *Robert*, firſt Duke of *Normandy*, receiving the Duchy from *Charles* the Simple, and ſuch more; though in later Ages and at this day the kiſs in Homage be on the cheek or lips, wherein it is ſo eſſential alſo that the Homage hath not enough, it ſeems, of what is legal without it; whereupon in time of *Henry* VI. a great Plague [x] being about *London*, a Bill was put up in Parliament, deſiring the King for his own preſervation, *To ordain and grant* (ſo are the words of the Roll) *by the Authority of this preſent Parliament, that everiche of your ſaid lieges, in the doing of their ſaid Homage, may omit the ſaid kiſſing of you, and be excuſed thereof (at your will the Homage being of the ſame force as though they kiſſed you) and have their Letters of doing of their Homage, the kiſſing of you omitted notwithſtanding.* And the Bill having paſſed both Houſes, the ſubſcription is, *Le Roy le voet*, as the uſual words of his conſent are. And of Adoration and Kiſſing the Lips, Hands, and Feet, thus much by the way. And thus much of the Titles of *King* and *Emperour*.

q *Trebellius Pollio in* 30. *Tyrannis. videſis Theophil. Ad Autolyc. lib.* 1. de adorando Cæſare.

r *De Benefic.* 2. *cap.* 5.

f *Adam. Contzen. Politic. lib.* 7. *cap.* 4. §. 5. & de Adoratione, oſculatione manus &c. *videſis Marc. Anton. Surgent. Neapol. Illuſtrat. lib.* 1. *cap.* 21. & *Bullinger. de Imp. Rom lib.* 1. *cap.* 11.

t *Arcana Hiſtoria pag.* 133. & *vide Nic. Alemannum. In Notis ad eum Hiſtoricis pag.* 115.

u *Ms. vet. apud Camd. in Normannis. & vide G. Gemiticenſ. lib.* 2. *cap.* 17.

x *Rot. Parl.* 18 *Hen.* 6. *artic.* 58.

CHAP.

CHAP. IV.

I. *Of the Title of* Dominus *or* Lord *given to great Princes, but also communicated to Subjects of the greater rank.* Senior, Xeque *or* Cheque *and the like.*

II. *The Kings of* England *antiently called only* Lords of Ireland. *The Deduction and Change of that Title.*

III. *The attribute of the name of* God *to Supreme* Princes, *and Swearing by them and by their* Genius. Divinitas nostra, *and* Æternitas nostra, *and the like used by them; with the antient use in the Eastern Parts of having the name of a* Deity *in their Names.*

FOr the fuller expression of Majesty, other Attributes also have been given to Supreme Princes, which be names as *Essential*, as those of *Emperour* and *King*, yet they are not convertible with them, nor so particularly design them. Those are chiefly *Domini* and *Dii*, or *Lords* and *Gods*, which are communicated also to some others which are subordinate. For that of *Dominus* or *Lord*; it was frequent in the *Roman* Empire. But *Augustus* utterly refused it, and by Publique Edict prohibited it to be given him. *Domini Appellationem* (saith *Sueton*) *ut maledictum & opprobrium semper exhorruit. Cum spectante eo ludos, pronunciatum esset in Mimo*, O DOMINUM ÆQUUM ET BONUM! *& universi quasi de ipso dictum exultantes comprobassent: Statim manu vultúque indecoras adulationes repressit, & insequenti die, gravissimo corripuit Edicto*, DOMINUMQUE *se posthac appellari, ne à liberis quidem aut nepotibus suis, vel serio vel joco passus est.* Neither would he suffer his Children or Nephews, to use it in their Complements or other Language to each other. For it was a Fashion about that time, for every man to salute his Friend, with the flattering language of *Dominus* and *Rex*, as it is [a] plain out of *Martial.* Neither would *Tiberius* endure this Title, not so much as in common salutation. Whereupon that great [b] Historian and Statesman observes, *unde Augusta & lubrica oratio, sub Principe, qui libertatem metuebat, adulationem oderat.* And to the same purpose *Statius* [c] speaks of *Domitian.*

Tollunt innumeras, ad astra, voces
Saturnalia Principis sonantes,
Et dulci DOMINUM *favore clamant;*
Hoc solum vetuit licere Cæsar.

which yet must either be referred to meer flattery or dissimulation, or else to the infancy of his Empire. For, by his expres command, the Titles of his Letters and such like were [d] *Dominus & Deus noster sic fieri jubet.* And *Caligula* before him publiquely also endured it. After *Domitian*, the first that permitted himself to be stiled by this Title, was *Diocletian*, who, as *Victor* saith, *se primus omnium Caligulam post Domitianúmq; Dominum palàm dici passus, & adorari se, appellariq; utì Deum.* Afterward that Apostata *Julian*, after his counterfeiting fashion, prohibited [e] it also. But, howsoever in publique salutations, it might

a *Martial. Epig. 68. lib. 1.* idem. *l. 1. Epig. 113. l. 4. Epig. 84. &c.*

b *Tacit. Annal. 2.*

c *Sylvar. 1. in Kl. Decemb.*

d *Suton in Domit. cap. 13.*

e *In Misopogone.*

might be so much avoided, both by good and bad Princes before *Diocletian*, yet, both before and after him, it was promiscuously given them. *Festus* Lieutenant of *Jury*, in that of S. *Paul's* [f] appeal, calls *Claudius* absolutely *Lord*. *Eudæmon*, in his Petition to *Antoninus* [g] calls him Κύριε Βασιλεῦ Αντωνῖνε, *i. e. Lord Emperour*, and the Emperour in his answer, stiles himself *Lord of the World*; as is before observed. And, in a gold Coin [h], of the great and religious *Constantine*, stampt with his Picture sitting, and his Court-gard about him, the Inscription is; FELICITAS PERPETUA AUGEAT REM DOMIN. NOST. By which, and the like, our most judicious [i] *Camden* observes, that this *Constantine* was the first that used this Title in his Monies and Publique Inscriptions. In the X. of *Plinies* Epistles also, *Trajan* is for the most part called *Domine*: although his Panegyrique to him, hath *Principis sedem obtines, ne sit Domino locus*. And the Emperours are called *Rerum Domini*, by [k] *Sidonius Appollinaris*;

——*Mea Gallia Rerum*, saith he,
Ignoratur adhuc Dominis——

And *Lucan* also speaking of the beginning [l] of the Empire in *Julius Cæsar* from whence those Titulary Attributes of Greatness had their original in *Rome*,

Namq; omnes voces, per quas jam tempore tanto
Mentimur Dominis, *hæc primum repperit ætas.*

Neither *Dominus* only, but *Herus* also was given them, as the most learned *Casaubon* observes upon *Sueton's Octavius*. And for the later times, frequent testimony occurrs in the Imperial Story. The Greek Constitutions, and other Testimonies of the *Constantinopolitan* Emperours, commonly give them the name of Κύριοι, *i. e. Lords*, for which in their later corrupted Idiom you shall have often Κῦρ, sometimes Κῦρις [m] and Κύρις. Whence in some Passages *Kursac*, and *Surfac*, and the like (especially in the old *French* History of *Geoffry Villehardovin*) occurr, being no other than corrupted from Κῦρ or Κύριε Ιπατίε. Neither were *Justinian* and *Theodora* his [n] Empress, content with the usual names of Emperour and Empress, when any address of speech was made to them, unless Δέσποτης or Lord, and Δέσποινα or Lady, were together also given them. The use also of the titles of Lord given to supreme Princes hath been in every Kingdom of our *Europe*, as also in the *Mahumedan* State, where they have the name of *Ameras*, *Amir*, or *Amera* (applied to the great *Sultan*, and from him communicated to others) which truly (as that of *Sultan* doth) may express *Dominus*, or *Lord*. And for that of [o] *Bodin* affirming, that by a Law in the *Alcoran*, none was permitted to bear the name of *Lord*, but their *Caliphs*; I believe he was deceived, neither could I yet meet with any such Law, or any example to justifie his assertion. But, of *Amir* and *Sultan* and the like more in their place. But as some of the Emperours refused this name either because it seemed a relative to *servus*, *i. e. a bond slave*, or in respect that it supposed (if ill interpreted) the subject and his substance in the property of the Emperour, (for, in the [p] Laws of the Empire, *Domini appellatione continetur qui habet Proprietatem etsi usus fructus alienus sit*; and *Augustus*, that so much refused it, could yet be very well contented

f *Act. Apost. 25. com. 26. κύριε.*
g *Mætian. ff. ad leg. Rhod.* Ἀξίωσις & Rogo Domine Imperator
ff. de his quæ in testam. delentur. l. 3.
h *Adolph. Occa pag. 537.*
i *Camden. Brit.*
k *Panegyric. ad Majoran.*
l *Pharsal. lib. 5.*
m Quomodo, ex isthoc corrupto vocabulo, errores, apud Latinorum quosdam ævi Barbari, irrepserint, videsis in Notis *Theodori Douzæ* ad *Georg. Logothetæ Chronic.*
n *Procopius in Arcana Historia pag. 134.*
o *De Repub. lib 1. cap. 9.*
p *De Repub. Ulpian. ff. de S.C. Silaniano l. 1.*

contented to be made a God while he yet lived.) So an old *Jewish* Sect, moved in a point of Conscience with Errour, would by no means acknowledg it to any Earthly Prince, affirming, it was only proper to the Monarch of Heaven. The Author of this Sect was [p] *Judas* of *Galilee* under *Tiberius*. He and his followers so perversly stood for this nominal part of Liberty (being, in other points, meer *Pharisees*) that no torments could extort their confession of this Honorary title to the Emperour. This *Judas* is mentioned in the New [q] Testament. Their Heresie thus generally is spoken of by divers receiving it from *Josephus*. But I [r] cannot be easily perswaded that they meerly stood on the word *Lord*, *Dominus*, Κύριος, רב *Rab* or אדון *Adon*, which signifie to this purpose near alike. For what is more common in their and our Text of the old Testament, than the name of *Adon* or *Lord*, given to far meaner men than Princes? *Thus shall you say* (the words of *Jacob*) *to my Lord* [לאדני] *Esau*. And in their salutations and addrest speeches, by both Testaments it appears, that, *Master*, *Lord*, or *Sir* (expreſt in the words which we have remembred) are familiar. I guess, they superstitiously did it rather out of that dreadful respect, which the *Jews* always had to the *Tetragrammaton* name of the Almighty, that is, יהוה (now commonly expreſt *Jehovah*) which none of them, they say, ever durst openly, nor any [s] might, but the high Priest sometimes, pronounce, and that only in the Feast of *Reconciliations* celebrated on the tenth of their Month *Tisri*, and only in the Sanctuary in his Benediction. And always when it occurred in reading, they spake *Adonai*, i. e. *Lord*, for it, unless *Adonai* went before or followed it in the Text, and then they read it *Elohim*, i. e. *God*, and upon this difference pointed it (when they had their Points) either with the Points of *Adonai* or *Elohim*. It will appear so in infinite Examples, where our Idiom hath *the Lord God*, the Latin *Dominus Deus*, and the Greek Κύριος ὁ Θεός. Whereupon with a respect only to the Translations, a most learned and antient [t] Father observes; *Deus quidem quod erat semper, Statim nominat*; In principio fecit Deus cœlum & terram. *Ac deinceps quamdiu faciebat quorum Dominus futurus erat, Deus solummodò ponit.* Et dixit Deus, & fecit Deus, & vidit Deus, & *nusquam adhuc* Dominus. *At ubi universa perfecit, ipsúmq; vel maximè Hominem, qui propriè Dominum intellecturus erat,* Dominus *cognominatur*. For indeed it is true that until the holy Story of the Creation is perfited by *Moses*, the *Tetragrammaton* is not added to *Elohim*, but afterward in the second of *Genesis* יהוה אלהים (which they read *Adonai Elohim*, i. e. *The Lord God*) first occurrs. Considering then their Jewish superstitions, and how curious they were in Ceremonies, Syllables, Titles, Words defective either in Point or Letter, and the like; you may with probability conjecture that here was the ground of that *Galilæan* Sect; thinking it not fit, perhaps, to stile any Mortal by that Honorary title, by any other than which the Greatest, Dreadful, and unspeakable Name of the CREATOR was never openly expreſsed. *Manifestè dixerunt sapientes* (saith [u] *Rambam*) *quod istud nomen separatum quod est quatuor literarum, ipsum solummodò est significativum substantiæ Creatoris, sine participatione cujuslibet alterius rei.* But their scruple might easily be satisfied with that of the Emperour *Cantacuzen*. Ἀφοριζόμενος τὸ Κύριος (saith [x] he) ἴδιον ἐστὶ τοῦ Θεοῦ, i. e. *Indefinitely or absolutely the name of Lord is only due to God, but Man hath it μετὰ προσθήκης ὀνόματος*, i. e. *With some particular addition of Person or Place*, In regard of which he is so Titled. But now, and from anti-

p *Joseph. Antiq. lib. 18. cap. 2.*

q *Act. Apost. cap 5. com. 37.*

r Consulas de hoc Juda *Cardinal. Baronium Annal. Tom. 1. & Casaubon Exercit. 2. §. 19.*

s *Rabbi Moses in More Nebuch. part. 1. cap. 60.* verum consule, si placet. *Syntagm. 2. de Diis Syris, cap. 1.*

t *Tertullian. adverſ. Hermogen.* qui sanè & Dominum appellari noluit Imperatorem, nisi (ut inquit ille) more communi. *Apologetic. cap. 34.*

u *More Nebuch. part. 1. cap. 60.*

x *Apolog. β. adverſ. Mahomet.*

ent time, without ſcruple, both Kings and alſo their greater Subjects are uſually ſaluted and written with the attribute of *Lord* or *Dominus*, or *Dominator*; as in *Dominator* in *Aſia* and *Africa*, in the ſtile of the Kings of *Spain*. But *Dominus* is here remembred under that notion only by which it is a diſtinguiſhing attribute of Greatneſs, and not as it is a word of ordinary ſalutation among all men of the better rank. *Seneca*, I remember, ſomewhere notes of the *Roman* cuſtom, by which every man whoſe name occurred not, was ſaluted *Domine*, and as *Domine ſfater* is frequent in the Epiſtles of *Sidonius Apollinaris*, and other, and in *Sidonius* ſometimes *Domine major*; or as *Domine* in that [y] Epigram of

y *Pallad. Anthолog. α. Epig. μϛ.*

ἐκ ἐθέλω Δόμνε, ἐ γὸ ἔχω δέμνια.

or as every Bachelour of Art, or Vicar, or Parſon, is called *Domine*, or the like. But the name *Dominus* is here to be thought of only as a diſtinguiſhing attribute of Greatneſs, and as our *Engliſh* word *Lord* is; and that without any relation of it to an Intereſt of property or to ſervitude, and only as it denotes ſuch Superiours as King or Subjects of the greater Nobility with us, and men of ſpecial Eminency in other States, known by the names of **Heeren**, *Dons*, *Sieurs*, *Signiors*, *Seigneurs*, *Sennores*, *Seniores*, and the like. Among which thoſe names *Signior*, *Seigneur*, *Sennor*, and *Senior*, are obſervable in that they denote an elder Age, as if the perſon to whom they are attributed were always of the elder ſort of men; whereupon ſaith [z] *Mariana*, thoſe words became to denote great Lords, becauſe *Seniores imperare æquum eſt, unde conſequenti tempore tum in monimentis Hiſpaniæ tum in Conciliorum actis, præſertim quæ Caroli Magni ætate in Gallia habita ſunt, Domini ac Principes* Seniores *nuncupari cæperunt.* So the Jewiſh *Sanedrim* were called [a] *Seniores* or *Elders*, and *Abraham*'s chief ſervant, [b] *the elder of his houſe.* And the *Perſians* and thoſe of the Country of the great *Mogor*, have in the like notion their Title of شيخ *Xec* or *Cheque*, being the ſame with the word *Seic* or *Sheich*, that is, *Senior*, among the *Arabians*, which occurrs in the title of *Mahumed Ben David* before his Arabick Grammar, as alſo in the Title of *Avicen* before his body of Phyſick. And an *Ægyptian Sultan* is remembred in that old Authour *de Jonville* by the name of *Scecedun fils du Seic qui vault* (ſaith he) *a tant a dire en leur language come filz du Viel*, that is the Son of a *Signior* or *Senior*. So *Baldricus* [c] and *Robertus* [d] *Monachus*, and others ſpeak of *Solimanus filius Solimani Veteris* or *Senioris*, which was doubtleſs the Son of a *Sheich*, *Cheque* or *Seic*, which word with them interpreted *Senior*. This title is moſt eſpecially ſeen in the Anceſtours of *Sha Iſmael Sophi* the *Perſian* Emperour, all which, as alſo himſelf, before his getting the Empire, are called *Sheichs*, *Cheques* or *Siecs*, as if you ſhould ſay *Seniores*. And there is another word among the *Arabians* of the ſame ſignification with *Sheich*, [e] that is شيب *Sheib*, by which men of the better rank are called, as among us, by the name of *Signior*, *Monſieur*, or the like. And they erre that have reſtrained the [f] ſignification of *Sheich* to the denomination of a Saint or religious Man. But for *Dominus*, it is alſo written often in the middle times *Domnus* and *Dompnus*, in *Caſſiodore*, *Sedulius*, *Landulphus Sagax*, and divers others. And as Kings with their Subjects of the greater name have been ever ſtiled by it, ſo Queens have had and uſed the name of *Domina* or Lady. *Maud* the Empreſs called her ſelf *Imperatrix Henrici Regis filia*

z *Marian. hiſt. Hiſp. 5. cap. 11. & in Conſtit. Feud. 1. Tit. 27. Seniores* pro *Dominis* uti & jure noſtro.

a זקנים
b זקן ביתו
Gen. 24. com. 2.

c *Hiſt. Hieroſolym. lib. 2.*
d *Hiſtor. lib. 3.*

e *Kirſten. lib. 3. Grammat. Arabic.*
f *V. Leunclau. Pandect. Turc. cap. 188. & 18. & in Onomaſtico.*

filia & Anglorum [f] *Domina.* And *Domina Hiberniæ* is ordinarily in the Stiles of our English Queens before it was altered under *Henry* VIII. But, of the communicated name of *Lord* and *Lady*, and the like; more in the second Part, in the Chapter of *English* Dignities and Fœminine Titles.

[f] *Cod. Ms. Abbatiæ Salopiensis.* & videsis *Camden. in Trinob. pag.* 327.

II. This title of *Lord* is specially observable in that antient stile of the Kings of *England*, wherein they were called *Domini Hiberniæ* or *Lords of Ireland*, and not Kings of that Island, until towards the end of *Henry* VIII. For the Deduction and Change of that Title, thus. When the Island antiently grew full of petit Kings (some of them converting their Government into intollerable Tyranny, which, others not induring, made such a divided State in it, that easie occasion might soon be taken by their Neighbours to invade them) *Henry* II. of *England* affected the Crown of it, and to that purpose (as the times were) sent Embassadours to Pope *Adrian* IV. entreating him *ut sibi liceret* (as the words of *Matthew Paris* are) *Hiberniæ Insulam hostiliter intrare, & terram subjugare atq; homines illos Bestiales ad fidem & viam deducere veritatis, extirpatis ibi plantariis vitiorum*; which was granted by a Bull, among other things, in these words, *& illius Terræ Populus Te recipiat & sicut* DOMINUM *veneretur, jure Ecclesiarum illibato & integro permanente, & salvâ B. Petro de singulis Domibus annuâ unius Denarii pensione.* And he pretends in his Bull that all the Isles of Christendom are clearly part of the Patrimony of the Church of *Rome. Sanè omnes Insulas* (saith this Pope) *quibus Sol Justitiæ Christus illuxit & quæ documenta Fidei Christianæ susceperunt, ad jus S. Petri & Sacrosanctæ R. Ecclesiæ (quod tua etiam Nobilitas recognoscit) non est dubium pertinere.* But he would never have been able to prove that. *John* of *Sarisbury* (cited ordinarily also by the name of *John* Bishop of *Chartres*) was the chief in this Embassage, being a man most dearly respected by this *Adrian.* And his [t] Report is also of an investiture made of the Isle, by a gold Ring sent to the King from the Pope by him. His words are, *Ad preces meas, Illustri Regi Anglorum Henrico Secundo concessit* (speaking of the Pope) *& dedit Hiberniam jure hæreditario possidendam*; *sicut literæ ipsius Testantur in hodiernum diem. Nam omnes Insulæ de jure antiquo ex Donatione Constantini, qui eam fundavit & Dotavit, dicuntur ad Romanam Ecclesiam pertinere.* By the way, that pretence of the Popes having right to all Isles by vertue of that Donation of *Constantine* must be restrained to the Isles of the West, though the Donation be construed most of all in favour of his See. For the words of it that concern this, are only, *omnis Italiæ seu* [u] *Occidentalium regionum provincias, loca & civitates*, the Greek (which was doubtless translated out of Latine; so that the first fiction of it was in Latine) being the same thus, Πάσης τῆς Ιταλίας ἢ Δυσμῶν χωρῶν Επαρχίας τύπους ἢ κάστρα, that is, *all the Provinces, Territories, and Cities of Italy or the West.* Neither indeed do the words import more than the Isles of *Italy*, which by the disjunctive in the context, is made the self same with the West. But the credit of that Donation is so slight, that it makes not much matter how the words are or what they import. *John* of *Sarisbury* goes on; *Annulum quoq;* (saith he) *per me transmisit aureum, smaragdo optimo decoratum, quo fieret investitura juris ingerenda* [y] *Hibernia. Idémq; adhuc Annulus in* [z] *curali archio publico custodiri jussus est.* All this was about 2 *Hen.* II. But nothing was executed. Some years after, *Dermut Mac Morrogh* King

[t] *Metalogic.* 4. *cap.* 42.

[u] *Grat. dist.* 96. *cap.* 14. *& Jus Decret. part.* 5. *cap.* 49.

[x] *Theodor. Balsamon. in Phot. Nomocan. tit.* 8. *cap.* 1.

[y] Locus depravatus, *forte l.* ingrediendæ Hiberniæ

[z] *l. Curiali.*

King of *Lemſter*, being diſtreſſed by the King of *Connacht* and *Orereck*, King of *Meth*, requeſted ſuccours of the *Engliſh*, and had them. But upon giving theſe ſuccours, *R. Strongbow* Earle of *Pembroke* (to whoſe valour *Dermut* was much beholding) ſoon made himſelf of ſuch a greatneſs within the Iſle that he grew ſuſpected to King *Henry*; but, to avoid ſuſpicion, acknowledged whatſoever he had there, to the King, who ſome XVII years after the Pope's Bull, entred the Iſle with an Army, ſubdued a good part of it, and had homage of thoſe petit Princes, which retained, as before, ſo after this acknowledgment, the name of Kings. Yet they were not *Ordinati ſolennitate alicujus Ordinis* (as the [a] black Book of *Chriſt-Church* in *Dublin* ſpeaks) *nec Unctionis Sacramento, nec Jure hæreditario, vel aliquâ proprietatis ſucceſſione, ſed vi & armis quilibet regnum ſuum obtinuit.* This King *Henry*, it ſeems, and his Succeſſours following the ſyllables of that Bull (which is mentioned [b] alſo in another afterward ſent in the behalf of the *Iriſh*, by [c] Pope *John* the two and twentieth, to King *Edward* II. or III.) hence titled themſelves *Lords of Ireland*, putting it in their ſtile before *Duke of Guienne*. And, in the Annals of *Ireland*, we read that *Joannes filius Regis Dominus Hiberniæ de Dono patris, venit in Hiberniam anno ætatis ſuæ duodecimo* (which was the XIII year from the firſt entrance of *Henry* II.) and in [d] confirmation of his title Pope *Urban* III. ſent him a Crown of Peacocks feathers. As likewiſe *Henry* III. made Prince [e] *Edward* (afterward *Edward* I.) *Lord of Ireland*; which was the title firſt given and perpetually uſed until towards the end of *Henry* VIII. though *Choppin* write expreſly that Pope *Adrian* conferred upon our *Henry* II. *Hiberniæ principatûs titulum*, as his words are. How King *John* had obedience of moſt of the Princes there, and eſtabliſhed Engliſh Laws, Officers, and ſuch more notes of ſupreme Majeſty, *Matthew Paris* moſt fully delivers. But plainly although the ſucceeding Princes wrote themſelves but only *Lords of Ireland*, and called it *Terra*, not *Regnum*, *Hiberniæ*, yet their Dominion was meerly Royal. They had their *Juſtices*, or *Cuſtodes*, or *Lord Lieutenants* or *Deputies* (as at this day they are called) of *Ireland*, which were, as *Vice-royes*, by Patent, and had moſt large Power given them with the very Rights of Majeſty. Whence it was that ſome of the Antients, of the very Age wherein that Bull of Pope *Adrian* was ſent to King *Henry* the ſecond, calls that *Regnum* or *Dominium Regni Hiberniæ*, which was ſo given by the Pope or taken by the King. For that matter ſee *Guil. Stephanides* [f] in the life of *Henry* the Second, and *Giraldus Cambrenſis* in his *Hibernia expugnata*. And *Roger* of *Hoveden* expreſly [g] of *Henry* the Second; *Venit Rex* **Dxene-**
foꝛd *& in generali Concilio ibidem celebrato conſtituit* Johannem *filium ſuum REGEM in* Hybernia, *conceſſione & confirmatione* Alexandri *ſummi Pontificis*. With this fully agrees that of *Richard* the Second, who being himſelf, but in Title, *Dominus* or *Lord of Ireland*, created *Robert of Vere* (being then Earle of *Oxford*) Marqueſs of *Dublin*, and the ſame year Duke of *Ireland*, with the fulleſt and greateſt Prerogatives or marks of Sovereignty. Which had been ridiculous, if the King of *England* in ſubſtance had not been as a moſt perfect King of *Ireland*. He gave him for life (and that with the aſſent of both Houſes of Parlament) the whole Iſland it ſelf with the adjoyning Iſles, the tenure being by liege homage only (that is *homagium ligium*, as the words of the Patent are, which denote ſuch homage as excludes all exception of perſons out of the profeſſion of the Tenant's faith to his Lord; or ſuch homage

[a] Apud V. Cl. D. *Jo. Davis*, Regium apud Hibernos, nuper Procuratorem.
[b] *C — lib.* 2. *tit.* 1. §. 11. *& habetur in Bullario Magno Cherubini tom.* 1. *fol.* 156. *& apud Philip. Oſſullevan in Hiſtor. Catholic. Hibern. Tom.* 2. *lib.* 1.
[c] *Conſtit. Pontif. memorat. à Choppino de Domanio Franciæ lib.* 2. *tit.* 1. § 11.
[d] *Ex Synod.* 1. *& 2. Caſſilien. & Armach. ap. Camd. De* Pavonum pennis *in textendis Coronis Conſulas* Paſchal. *de Coron. lib.* 10. *c.* 13.
[e] *Pat.* 52 *Hen.* 3. *memb.* 9.
[f] *Ms.*
[g] *Pag.* 566. *Edit. Francof.*

homage as by the common Law is to be done to the King only; all other homage with us being *non ligium*, becauſe the King and other Lords are excepted in it) and the payment of five thouſand marks during his life *Nomine dominii terræ Hiberniæ.* And with this he further granted to him for life alſo the Patronage of all Biſhopricks, Abbies, and ſuch like there which were in the King; power alſo to make a Chancelour, Treaſurer, Juſtices of both Benches, Barons of the Exchequer, Sheriffs, Coroners, and all other ſuch Officers, with the right of coyning Money, and ſuch more Royalties which are rarely ſeparated from a ſupreme Crown; and therefore alſo the Patent it ſelf, being moſt obſervable to this purpoſe, is faithfully here inſerted.

SCiatis (ſaith the [h] King) *quod cum nos nuper ſcilicet primo die Decembris, Anno Regni noſtri Nono, per literas noſtras patentes de aſſenſu Prælatorum, Ducum, & aliorum Procerum ac Communitatis regni noſtri Angliæ, in Parliamento noſtro apud Weſtm. convocato tunc exientium, conſanguineo noſtro cariſſimo* Roberto de Veer Comiti Oxon. *nomen* Marchionis Dublin, *impoſuimus & ipſum de nomine Marchionis ejuſdem loci præſentialitèr inveſtivimus, ac eidem Marchioni dederimus & conceſſerimus pro nobis & hæredibus noſtris* terram & Dominium Hiberniæ *cum honoribus, regalibus, dignitatibus & aliis diverſis juribus, libertatibus, ac mero & mixto imperio, habendum & tenendum de nobis ac hæredibus noſtris ad totam vitam ipſius Marchionis certis modo & forma in dictis literis noſtris contentis; quas quidem literas noſtras patentes idem conſanguineus noſter in inſtanti Parliamento noſtro nobis reſtituit cancellandas; Nos conſiderantes generis nobilitatem, probitatem ſtrenuam & ſapientiam præcellentem dicti conſanguinei noſtri, volentes eundem conſanguineum noſtrum potioribus præmiis ſublimare, honoribus amplioribus etiam prærogare, de aſſenſu Prælatorum, Ducum, & aliorum Procerum ac Communitates regni noſtri Angliæ in inſtanti Parliamento noſtro apud Weſtm. convocato exiſtentium, præfato conſanguineo noſtro nomen* Ducis Hiberniæ *imponimus & ipſum de nomine* Ducis Hiberniæ *perſonaliter inveſtimus et* Ducem Hiberniæ *præficimus. Et, cùm exaltationem nominis concomitare conveniat adjectio commodi & honoris, de aſſenſu prædicto, leto corde, dedimus & conceſſimus pro nobis & hæredibns noſtris prefato* Duci Hiberniæ totam terram & Dominium Hiberniæ & inſulas eidem terræ adjacentes, *ac omnia Caſtra, Comitatus, Burgos, Villas, Portus Maris, Honores, Maneria, Foreſtas, Chaceas, Parcos, Boſcos, Moras, Mariſcos, Warennas, terras, Tenementa, feodi firmas, redditus, ſervitia, aquas, Piſcarias, Mineras, Warda, Maritagia,*

[h] *Rot. Cart. 9. Rich. 2. memb. 1. & rot. Parlam. 9. & 10. m. 3.*

Maritagia, Reverſiones, Eſcaetas, feoda noſtra in dictis terra & Dominio Hiberniæ ac Inſulis *exiſtentia, una cum homagiis, obedientiis, vaſſallis, ſervitiis, et recognitionibus Prælatorum, Comitum, Baronum, Militum, et omnium aliorum liberorum tenentium, aliorum incolarum, et ſubditorum noſtrorum, tam nativorum quàm aliorum quorumcunq; in terra Dominio et Inſulis prædictis, ac cum omnibus juribus; juriſdictionibus, mediis atq; Baſſis, denariis, cenſibus, proventubus, confiſcationibus, forisfacturis, emolumentis et proficuis, ac advocationibus et patronatibus Eccleſiarum Metropoliticarum, et Cathedralium, Abbatiarum, Prioratuum, Hoſpitalium, Dignitatum, Præbendarum, Domorum Religioſarum, Eccleſiarum Collegiatarum, & aliarum Eccleſiarum, Vicariarum, Capellarum, Officiorum & Porcionum, & omnibus aliis advocationibus quocunq; nomine cenſeantur cum Regaliis, regalitatibus, libertatibus, franchesiis, commoditatibus, cuſtumis, præſtationibus & omnibus aliis quæ ad Regaliam noſtram pertinent ſeu pertinere poterunt, cum mero & mixto imperio adeò plenè integrè & perfectè ſicut nos ea tenuimus & habumius, ſeu tenuerunt, & habuerunt progenitorum noſtrorum aliqui, ullis unquam temporibus retroactis, Habendum & Tenendum eidem* Duci Hiberniæ *de nobis & hæredibus noſtris quoad vixerit per homagium ſuum ligeum tantum, quod quidem homagium in eodem inſtanti Parliamento noſtro nobis præſtitit corporale, Reddendo inde nobis et hæredibus noſtris per annum ad Scaccarium noſtrum Angliæ poſtquam præfatus* Dux dictam noſtram terram Hiberniæ conqueſtatus fuerit, *quinq; millia marcarum durante vitâ ſuâ prædicta, nomine Dominii terræ prædictæ,* * *et reſorto nobis et hæredibus noſtris ſemper ſalvo. Volumus inſuper et concedimus quod idem* Dux Hiberniæ *omnia terras, tenementa, redditus et ſervicia et omnia alia quæ de inimicis noſtris terræ illius poterit conqueſtari (exceptis illis terris dominicis quæ in manu noſtra ſeu progenitorum noſtrorum ſolebant exiſtere, et ad antiquum Dominium terræ prædictæ tanquam dignitati Coronæ noſtræ pertinère, et exceptis illis terris quæ de jure aliquarum Eccleſiarum ſeu de hæreditate Comitum, Baronum, Procerum et Magnatum dictæ terræ exiſtunt) habeat et teneat ſibi et hæredibus ſuis de nobis, et heredibus noſtris ſub homagio Ligeo ſuo et hæredum ſuorum tantum pro omnibus ſerviciis imperpetuum. Concedimus etiam de aſſenſu prædicto quod idem* Dux Hibern. *Cancell. Theſaur. Juſtic. de Banco Regio, et communi Banco, Barones de Scaccar. Vicecomites, Coronatores, Eſcaetores, Majores, Præpoſitos, Seneſcallos,*

* The Patent is here imperfect in the Roll. But (the ſame rights and reſervations in ſubſtance being before in the Charter of making him Marqueſs of *Dublin*) this place may be mended out of thoſe words which in the Charter of the Marquiſate come in here; that is, *Homagiis ligeis Reſorto & Superioritate Dominii Terræ prædictæ ac ligiantiis nobis ſpecialiter reſervatis. Rot. Parl. 9. & 10. Rich. 2. memb. 3.*

los et alios Officiarios, quoscúnq; faciat et constituat totiens quotiens, et prout sibi melius pro regimine et gubernatione terræ, dominii, et Insularum prædictorum videbitur expedire, aliquibus concessionibus per Nos vel Progenitores nostros incontrarium factis sive concessis non obstantibus, et quod idem Dux Hibern. *Monetam auream et argenteam in dictis terris Dominio et insulis fabricari facere possit (ita quod moneta illa de alaia et assaia monetæ nostræ Angl. existat) ac etiam omnem aliam monetam in dictis terra Dominio et Insulis temporibus nostris aut aliquorum progenitorum nostrorum hactenus usitatam. Proviso etiam quod si quæ Dominia, Castra, villæ, Honores, Maneria, Patrias, Terras, Tenementa aut si quæ alia quocunq; nomine censeantur infra dictam terram et Dominium Hibern. et Insulas, dictum Ducem Hibern. contigerit conquestari, quæ in manu nostra seu progenitorum nostrorum ad antiquum Dominium Hiberniæ, tanquam dignitati Coronæ nostræ pertinere de jure solebant, ea omnia cum pertinent. idem Dux Hiber. habeat et teneat de nobis et hæredibus nostris quoad vixerit sub homagio suo Ligeo tantum absq; aliquo alio nobis vel hæredibus nostris inde reddendo. Huis testibus venerab. Proceribus, W. Cant. Alexan. Ebor. et Rob. Dublinen. Archiepisc. R. London. W. Winton. T. Elien. et J. Dunelm. Thesau. nostro Episc. Edoar. Eborum. Tho. Glouc. Ducibus, Avunculis nostris carissimis. Ri. Arundel. W. de Monteacuto Sarum. Edr. de Courtnay Devon. Hen. de Percy Northumb. Th. de Moubray Nottingh. Marescall. Angl. M. de la Pole Suff. Canc. nostro, Comitibus. Joh. de Monteacuto Senesch. hospitii. nostri et aliis. Dat. per manum nostram apud Westm. 13. Octob.*

Per ipsum Regem in Parliamento.

But he enjoy'd not this many years, but by the like authority lost it; and this so unusual Dignity, that so began in him, ended also in him. Neither can there be a plainer and more remarkable testimony of the fulness of Royalty over *Ireland* in the antient Kings of *England*, than this Creation thus made by the King and his whole Parlament, into a Title that is the highest next to King or Emperor. And we know that the same King *Richard* had a purpose to have raised this Duke of *Ireland* into the express title of King of it also, as appears by *Thomas* of *Walsingham*. *Ducem fecit Hiberniæ* (saith [k] he) *facturus expost de Duce Regem si fortuna faveret.* And mention is made of it also in the Parlament Rolls[l] of that time. All which shews that *Dominium Hiberniæ* was taken to be no less than *Regnum* in the Kings of *England*. But at length, under *Henry* the Eight, this Title of *Lord* of *Ireland* was altered into *King*: the words of the Act are; That *forasmuch as the King our most gracious dread Sovereign Lord, and his Graces most noble Progenitors, Kings of England, have been Lords of this Land of Ireland, having*

[k] *Sub anno 1386. sex 9. Rich. 2.*

[l] *Rot. Proces. & Judicii 11. Rich. 2. art. 11.*

[*] *Stat. Hibern. 33. Hen. 8. cap. 1.*

all manner Kingly jurisdiction, Power, Preheminence, and Authority Royal, belonging or appertaining to the Royal Estate of Majesty of a King, By the name of Lord of Ireland; *where the King's Majesty and his most Noble Progenitors justly and rightfully were, and of right ought to be Kings of Ireland, and so to be reputed, taken, named, and called* (it being further added, that through want of use of the just Title and Name, divers attempts of disobedience had been in the *Irishry*) therefore it was enacted, *That the Kings Highness, his heirs and successors, have the Name, Stile, Title, and Honour of* King of this Land of Ireland, *with all manner Honours, Preheminences, Prerogatives, Dignities, and other things whatsoever they be, to the Majesty and State of a* King Imperial *appertaining or belonging.* And that *his Majesty be from henceforth, his heirs and successors, named, called, accepted, reputed and taken to be Kings of this Land of* Ireland, *to have, hold, and enjoy the said Stile, Majesty, and Honours of* Kings of Ireland, *with all manner Preheminences, Prerogatives, Dignities, and all the Premisses, unto the Kings Highness, his heirs and successors for ever, as united and knit to the* Imperial Crown *of the Realm of England.* Thus much [m] Pope *Paul* IV. afterward confirmed to King *Philip* and *Mary*, with *de Potestatis plenitudine, Apostolica authoritate, Regnum Hiberniæ perpetuò erigimus.* And in the stile of their Parlaments it was henceforth called *Regnum* or *Realm*, no longer *Terra Hiberniæ.* But of the Title of *Lord* in the Stile of Supreme Princes, thus much.

m *Bull. ipsa, & Anton. Gabutius de vita & reb. Pii 5. lib. 2* & vide, si placet, *Bull. Pii 5. 35. in Constit. Pont. Edit. à Petro Mattheo, p. 615.*

III. That of *Dii*, or *Gods* plurally, is attributed to Great Princes in Holy Writ. But every one sees, that it were most impious flattery, to give them the Name as it is truly significant; as the dissembling and unconstant [n] *Samaritans* did to *Antiochus Epiphanes*, stiling him, in their Epistles, God, who had indeed, to his utmost, profaned the holy Temple of the true God, most cruelly handled the *Jews*, and in [o] contempt of their Law and Divinity, compel'd them to eat Hogs flesh against their institution, and with the liquour, wherein it was boyled, daub'd and abus'd as many of their Bibles, as his wickedness could light on. So the *Jews* in their acclamations stiled *Herod Agrippa* no longer Man, but a Deity; a touch whereof, S. [p] *Luke* hath. And the *Persian* King's Title challenged as much to him in that: [q] *Rex Regum Sapor, Particeps syderum, Frater Solis & Lunæ, Constantio Cæsari Fratri meo salutem plurimam dico.* And *Mezentius* commanded [r] his subjects to offer to him all such Sacrifices as they had destinate to the Gods; professing withal, that no Deity was above himself, whence he is called *Contemptor Divûm* in *Virgil.* To these, like may be added of the *Roman* Emperors, made or accounted Gods in their life time (for their Ἀποθέωσις after their death, whence the Title of *Divi* is most frequently given them, belongs not to this place) as *Augustus*, and divers others after him. And *Domitian*, and some [s] more were in their Stiles solemnly called Gods. And *Martial* [t] hath,

n *Joseph. Archæolog. 12. cap. 7 & lib. 19. cap. 7. de Herode.*

o *Diodor. Sicul. in excerpt. apud Photium.*

p *Act. Apost. 12. com. 22.*

q *Amm. Marcellin. hist. 17.*

r *Cato in Orig.* ap. *Macrob. Sat. 3. cap. 5.*

s *Tranquill. in Domit. cap. 13.*

t *Lib. 5. Epig. 8 & Lib. 10. Epig. 72.*

Edictum Domini Deique nostri.

With relation to *Domitian*; but avoiding that and the like attributes under *Trajan*,

Frustrà,

Fruſtrà, ſaith he, *Blanditiæ venitis ad me,*
Attritis miſerabiles labellis.
Dicturus Dominum Deumq; *non ſum;*
Jam non eſt locus hac in urbe vobis.
Non eſt hic Dominus ſed Imperator.

Neither was this only among the Heathen Emperors, but long after Chriſtianity received in the Empire, the ſubſtance of the Title of God was uſed by them, as we ſee in thoſe frequent occurrences of *Noſtra Divinitas*, *Noſtra perennitas*, *Noſtra æternitas*, *Divinæ vocis Oraculum*, and ſuch more in the Codes, and elſewhere. And *Themiſtius* [u] to *Theodoſius* the Emperor; ἄνωθέν π, Βασιλεῦ, ἡ Πολιτεία τὸ τῆ Θειότητος ὄνομα ὑμῖν ἐπεφήμιζεν, *Lately the Common-wealth*, Cæſar, *gave you the Title of Divinity*, not ſaith he, becauſe you have ſtore of gold, or that you have Diadems and rich clothes, or that you ſuddainly make a poor man rich (all which are beneath ſuch a dignity) ἀλλ' ὅτι μόνῳ Θεῷ καὶ Βασιλεῖ ἐν ἐξουσία ἔστι τῆ ζωης ὁπδῶναι, *but becauſe only God and the Emperor have power to grant a man his life.* And *Divus Imperator* generally is uſed for the Emperor by [x] *Juſtinian*, as by others alſo, and *Divalia ſancita* for the Imperial Conſtitutions. And ſuch kind of expreſſions continued on in the Empire, as we ſee by an expreſs Conſtitution of [y] *Charles* the great againſt them, as taſting too much of Gentiliſme. Thence was it alſo that *Socrates* writing the Church ſtory of that Age, ſays, he doubts, that he ſhall be reprehended by ſome that were of the more curious in Titles, becauſe he did not ſtile the Emperors (in ſuch paſſages as he had obviouſly of them) [z] Θειοτάτους, καὶ Δεσπότας καὶ ὅσα χρηματίζειν νῦν δοκεῖ, that is, *Moſt divine, and Lords, and by other Titles which the uſe of the time attributed to them.* But for all theſe, and the like, which taſte of that old attribute of *God* to the Emperors, that of a moſt learned and antient [a] Father is here obſervable; *Non Deum Imperatorem* (ſaith he) *dicam, vel quia mentiri neſcio, vel quia illum deridere non audeo, vel quia nec ipſe ſe Deum volet dici, ſi homo ſit. Intereſt Homini Deo cedere. Satis habeat appellari Imperator. Grande & hoc nomen eſt, quod à Deo traditur. Negat illum Imperatorem qui Deum dicit. Niſi homo ſit, non eſt Imperator.* And in their Triumphs, a ſolemn admonition always was to the Emperor, *Memento te Hominem eſſe*, which great [b] *Philip* of *Macedon* had every morning remember'd to him, before he admitted any, but him only whoſe Office this was, to his preſence. And *Tertullian* ſpeaking of thoſe paſſages, where Princes in the Scripture are ſtiled Gods, adds, [c] that alſo *ipſa idola Gentium Dii vulgò; ſed Deus nemo ea re, quâ Deus dicitur.* But, as the ſupremacy of Princes and their Government is delegate from the Higheſt, their Judgments being alſo called His, ſo in a general Name they are titled *Gods* even by God himſelf, becauſe here on Earth they ſhould (for their power) be his [d] Imitators. And therefore they may alſo in that ſenſe be ſtiled *Divi*, or *Dii*. *Divi Chriſtiani Reges* (ſaith [e] *Contzen*, the preſent Profeſſor of Divinity in *Mentz*) *vocari poſſunt eo modo quo Dii, quia Dei ſunt Vicarii & Dei voce judicant.* But alſo he ſays, that thoſe Titles, *Divus Imperator*, *noſtra Divinitas*, *noſtra Æternitas*, and ſuch like, are not altogether ſo fit for Chriſtian Princes, for fear both of their arrogating more than they ſhould, when they are ſo magnified, as alſo leſt too much offence be taken by ſuch as may miſs in the reaſon of the application of thoſe Titles to them.

u *Oratione* 5.

x *C.tit. de Donat. int. virum & uxorem, L. vxor.* 26. videſis etiam *Adam. Contzen. de Rep. lib.* 7. *cap.* 4. *pag.* 470. *col.* 1.

y *Capitular. de non adorandis imaginibus lib.* 1. *cap.* 3.

z *Hiſt. Eccleſ. lib.* 6. *in proœm.*

a *Tertull. Apologetic. c.* 33.

b *Ælian. Ποικιλ. lib.* 9. *c.* 15.

c *Adverſ. Marcion. lib.* 1.

d *Sthenid. Pythagoric.* apud Stobæum *ſerm.* 46. *de ea re plura.*

e *Politic. lib.* 7. *cap.* 4. §. 4.

That obsequious impiety in the elder times, of attributing the Name of God to the Emperors, was the cause, it seems, that as well in the Christian as Heathenish Times and States, the Subjects of the Empire continued that ill custom of *Swearing* by [f] their Princes. And if they did forswear by them in a Suit (for if out of a sudden heat, they were pardoned) the punishment for the Perjury was *Fustigatio*, i.e. (as if you should say) *bastinadoing* (the Greek Lawyers call'd it Ῥοπάλισμος) and whilst the Officers beat the offendor, they used this formal admonition; [g] Πέρπερε μὴ ὄμνυε, i. e. *Swear not rashly.* But if the perjury were committed against God and his Name, no punishment followed by their customs, because they suppos'd God would sufficiently revenge the abuse of his Deity, expressing it thus: Ἰσως γὰρ ὁ ὄχλος ἔχειν τιμωρὸν τὸ Θεῖον (saith *Constantine* [h] *Hermenopulus*) τί κατὰ τῶ Θεῶ γένηται; although it were certain by their Canon Law, that Church-penances, but no other infliction, was provided for the perjured: as also, if, in any Suit, the party had forsworn upon the holy Evangelists, his tongue was cut out. But all this (touching swearing by the *Prince* or *Emperor*, and his *Genius*, and the punishment upon forswearing) had its original out of Paganisme. For, that punishment of Fustigation was, it seems, [i] instituted by *Antoninus* and *Commodus*, when it was usual to swear *per Genium Principis*, and *per Principis* [k] *Venerationem*, as it is in a rescript of *Alexander Severus*, under whom the learned [l] *Tertullian* upbraids the *Romans* with; *Citius deniq; apud Vos per omnes Deos, quàm per unum Genium Cæsaris pejeratur.* And *Athalarique* the *Goth*, in a profession of future good Government, to the *Romans*: [m] *Ecce Trajani vestri clarum seculis reparatum exemplum. Jurat vobis, per quem juratis, nec potest ab illo quisquam falli, quo invocato non licet impunè mentiri.* And *Horace* speaking to *Augustus*:

Jurandáque tuum per nomen ponimus aras.

which well sits with the name of those Majestick Pavillions or Cloths of Estate, under which the Emperors sat usually. They called [n] them Οὐρανίσκοι, as if you should say, *Little heavens* for such Gods to sit under. And for the Christian times, the form of the Soldiers oath was agreeing, with what is already shewed; *Jurant autem* (saith [o] my author, living about CCC. LXX. from our Saviour) *Per Deum & Christum & S. Sanctum & per Majestatem Imperatoris, quæ, secundum Deum, Generi humano diligenda est, & colenda.* And he gives a reason why they should swear by the Majesty of the Emperor. *Nam Imperatori* (saith he) *cum Augusti nomen accepit, tanquam præsenti & corporali Deo, fidelis est præstanda devotio, & impendendus pervigil famulatus. Deo enim vel privatus, vel militans servit, cum fideliter eum diligit, qui Deo regnat authore.* And in *France* antiently it was commanded in the Laws of [*] the Kings of their first Christian times, *ut nullus præsumat per vitam Regis & filiorum ejus jurare*, which shews that it was there practised. This use was also among the *Ægyptians* as is apparent by *Joseph's* swearing, *by the life of Pharaoh.* And in later days, a Rabbin, that liv'd [p] about CIↃ.C. LXX. affirms, that if a man had sworn in his time in Ægypt (it was then govern'd by *Chaliphs* ברשחטלר i.e. *by the Kings head*, and had forsworn, he was subject to capital punishment, neither could he redeem the guilt for his weight in Gold. And when *Shach Ismael*, the

f *Hermenopul.* Πεφχείρ. l. 1. tit. 7.

g *ff. de Jurejur. L. si duo* §. 6.

h *Can. 64. Basil. Harmenopul. Epit. sect. 5. tit. 3.*

i *Ulpian. ff. de Jurejur. l. 13.* §. 6.

k *Const. Alex. Severi C. de reb. credit. l 2.* vide sis *Cuiac. Observ. 2 cap. 19.*

l *Apologetic. cap. 28.*

m *Cassiod. Variar. hist. 8. Epist. 3.*

n Ut notavit *Casaubon. ad Suetonii Neronem cap. 12.*

o *Vegetius de Rer. Milit. 2. cap. 5. sub. Valentiniano & Gratiano.*

* *Legg. vett. apud Coutzen Politic. lib. 7. cap. 4. §. 6.*

p *Abr. Aben. Ezra in Decalog*

the first *Sophi*, got the *Persian* Empire, no [q] oath amongst them was so great, as to swear *by his head*. Thus it appears how, both among *Christians*, *Mahumedans*, and *Heathen*, a certain *Sanctitas Regum* (as [r] *Julius Cæsar* calls it) was specially regarded. Whence, it seems, it came that the having *a Deity's name in the Kings*, was so familiar among the antients. The *Tyrian*, or *Phœnician* Princes had usually the names of *Beleastartus*, *Abdastartus*, *Ithobaal*, and many such like occurring in the fragments of *Menander*, and other annals of those parts; from their Deity *Baal* and *Astaroth*, which Holy writ speaks of. *Nebo* a Babylonian Idol was a part of *Nebuchadonezar*, *Nabopollassar*, *Nabonitus*, their Kings. In *Nerigloſſer*, is *Nergal* the Deity of the Cuthæans. And in the names of the Jewish Kings, is usually one of the names of the true God, as you see in *Ahaziahu*, *Amaziah*, *Azariah* and divers such more. Among the *Ægyptians*, *Busiris*, *Petosiris*, *Osiris*, Kings; all of them having the greatest Deity of that people in their names. That is, *Siris* or *Seiris*, which was the same with *Nilus*. And the Kings of our antient *Britains* had *Belin*, or *Abellio* (one of their Deities) in their names, as we see in that of *Cassibelin*, *Cynobelin*, and the like. But indeed the composition out of these names of Deities was not only proper to Kings. Their Grandees and more honourable Subjects (to whom even their highest rights of Majesty and Honour were after communicated) had sometimes the like; as we see in [r] *Neregal*, *Samgarnebo*, and *Nabuzardan*, with such more, and in *Daniel*, whom the Babylonian King named *Beltishatzar* [t] *according to the name of his God*, and in divers others.

q *Leunc. Mussulmanic. hist. lib. 16.*

r *Sueton in Julio cap. 6.*

[r] *Jerem. cap. 29. vers. 3. & cap. 52. 30.*

[t] *Daniel. cap. 4. com. 7.*

CHAP. V.

I. *Of the Titles of* Cæsar *and* Augustus *in the Stile of the* Roman *or* German *Emperors; and how they have been given to some other Princes. The honorary Denominations of the Roman Emperors by other Countries.*

II. *The antient use of titling whole races of Kings by one name in such sort as the Emperors are known by the Title of* Cæsar: *the affectation of the Names of* Antonin *in the Roman, and* Constantin *in the Greek Empire.*

III. Most Christian King, *in the Stile of the King of France.*

IV. Defender of the Faith, *when and how given to the Kings of England.* Defender of the Church *attributed to the Emperor. The Title of* Supreme Head of the Church *which began in Henry the* VIII.

V. Catholique *in the King of Spain's stile.*

VI. *The Title of* Porphyrogennetus *in the Eastern Empire. And the Emperor of* Moscovy *called* White King *or* White Emperor.

HItherto of such Titles as are or may be given as *Essential* and used as *General* to supreme Majesty, in the Stiles of the Princes of *Christendom*. There are also others, which are *Particular* to several States, and meerly *Accidental*. Of these, some have proceeded from the first Authors of Empires or Monarchies; Others have been of later time acquired. Some also are

are uſed in the firſt perſon, others only in the Speeches and Writings which thoſe Princes have from other men. In this number of Accidental Attributes, are thoſe Names of *Cæſar* and *Auguſtus* in the Empire, *Moſt Chriſtian King*, *Defender of the Faith*, and ſuch more: all which kinds, both in the Chriſtian and Mahumedan States with ſome other of the elder times with their originals and uſe, ſucceed here in their order.

I. Firſt, for that of *Cæſar* in the *German* Emperors Title; it is clear that it is derived through the *Franks* and *Romans* from *C. Julius Cæſar*, being the firſt Emperor of Rome. But he was not the firſt that bare that name, as ſome [a] ignorantly have delivered. But others were ſo called before him; and that perhaps from the word *Cæſar*, which they ſay ſignified an Elephant in Punique or Mauriſh, *quòd avus ejus*, (as ſome ſay) *in Africa* [b] *manu propriâ, occîdit Elephantem.* Others of Rome deduce it from *Cæſaries*, *quòd cum magnis crinibus* (as *Spartian*'s words are) *ſit utero parentis effuſus*; others *quòd oculis cæſiis & ultra humanum morem viguerit*: all which is to be underſtood, of him which firſt bare the name. But for that of the Elephant; there are old Coins ſtampt on the one ſide with DIVUS JULIUS, the reverſe having S.P.Q.R. and an Elephant: which, although ſome refer to the plays and fights of Elephants, * ſhewed by the favour and coſt of *Julius*, yet perhaps it may have alluſion to that *African* original. But, how the word could be *Punique* is not ſo well juſtified. The *Punique* being but a ſlip or branch propagated from the *Ebrew*; wherein (as that great Preſident of the *Muſes*, the moſt learned *Caſaubon* hath alſo noted) not *Cæſar*, but פיל ſignifies an *Elephant* as alſo in *Arabick*. He therefore thinks the word was *Mauriſh*, as *Spartian* affirms it was. And in another [c] place; *In Targum Jonathanis* (ſaith *Caſaubon*) כשורא *Ceſira, extat, notione affine, pro Scuto vel clypeo. Et fortaſſe inde eſt quod, Punicâ linguâ, Elephas* Cæſar *dicebatur quaſi Tutamen & præſidium Legionum.* But alſo the name of *Cæſar* is derived from this, that the firſt of the Family that bare it, was cut out of the womb at his birth. So *Pliny*; *Primus* Cæſar (ſaith [d] he) *à cæſo Matris utero dictus qua de cauſa & Cæſares appellati*: and a ſpecial teſtimony is alſo given for that Derivation, in regard that the Family was ſacred to *Apollo*, being the God of Phyſick, and having ſo preſerved the firſt that had the Name at ſuch [e] a dangerous birth. *Servius Honoratus* hath a paſſage to this purpoſe. *Omnes*, ſaith [e] he, *qui ſecto matris ventre procreantur, ideò Apollini conſecrati ſunt, quia Deus Medicinæ eſt per quam, lucem ſortiuntur. Unde Æſculapius ejus fictus eſt filius. Ita n. eum eſſe procreatum ſupra diximus. Cæſarum etiam familia ideò Apollinis ſacra retinebat, quia, qui primus de eorum familia fuit, exſecto matris ventre natus eſt.* But, whenceſoever the name was derived (and nothing is more uncertain than ſuch derivations) it is taken as the moſt honourable Title in the Imperial Stile: and ſo *Juſtinian* expreſly calls it in his Letters [f] to one *John*, his Lieutenant of the Eaſt; τῷ περὶ ἡμᾶς (are his words) ἀνὴρ ἄλλε τινὸς ἧττον τῆς Βασιλείας συμβόλων τιμᾶσθαι, i.e. *We are graced with this note of Imperial Majeſty, more than with any other.* And the *Germans* at this day uſe the word **Keyſer** (from *Cæſar*) for the *Emperor* generally. From *Julius*, his nephew *Octavius*, had this name left to him by Teſtament: *In ima cera* (ſaith *Sueton*) *Caium Octavium in familiam nomenque adoptavit*: from *Octavius*, *Tiberius*, and the reſt, received it. And although the Blood or Diſcent of

a *Theod. Metochites in hiſt. Rom. initio. Glycas, Etymologic. mag. Cedrenus*, alii Græcorum. Necnon Ebræi ut videre eſt in *Eliâ Thisbit in* קסר

* *Ap Æl. Spartian in Æl. vero Serv. Honorat.* ad 1. Æneidos *Conſt. Manaſ.* in Annalibus.

b *Plin. hiſt. 8. cap. 7.*

c *Animadverſ. in Tranquik* 1.

d *Hiſt. nat. lib. 7. cap. 9.* videſis *Theodor. Metochit. Hiſtor. Rom. initio.*

e *Ad Æneid.* 10.

f Διάτ. Νεαζ. λ. κιφ. α.

of this Family ended in *Nero*, yet *Galba* and the rest that follow'd him (saving *Vitellius*; who *cognomen* Augusti *distulit*, Cæsaris *in perpetuum recusavit*, as *Suetonius* of[g] him; and[h] *Tacitus*, to the same purpose; *præmisit in urbem edictum, quo vocabulum* Augusti *differret*, Cæsaris *non reciperet, cum de potestate nihil detraheret*) to this day, have it usually given them in the second and third person when others write to them or of them. But in the first person, or the stile that the Emperors themselves have used, since the translation to *Charles* the great, where they are expressed in Latin, *Cæsar* is very rarely, if at all, used. *Charles* the great indeed had the two titles of *Imperator* and *Augustus*[i] fixt on him which from his age hath been commonly used by his successors as well of the *German* as the *French* Empire. But *Melchior Goldastus*, a most diligent man in the story of the Empire, says, that he never saw a Patent or Charter of any of the Emperors since *Charles* the great, with *Cæsar* in it. *At verò à* Cæsaris *appellatione* (so are his[k] words) *etiam ipse* Carolus *Magnus, à Senatu Populoq;* Romano *Imperator* Augustus (*id Majestatis, non familiæ nomen est*) *salutatus, omnésque ejus in Imperio successores quorum usque contigit Diplomata inspicere, perpetuò abstinuerunt.* Though by his favour, there be a Constitution of *Charles* the great, *de Pace constituenda & conservanda & divisione Regni facienda inter filios*, and that published among other things, by *Goldastus* himself[l] where the title is expresly, *imperator* Cæsar Carolus, *Rex* Francorum *invictissimus & Romani Rector Imperii*, Pius *&c.* And he hath printed this out of several Manuscripts, as of sufficient authority. But it is the same which was first published by *Petrus Pitheus* among other pieces of the *French* [m]History, under the name of *Charles* the great his Testament, and by *Pithæus*, in his table of what he published with it, it is noted with this, that in *quibusdam exemplaribus* Karolo *Magno ascribitur, non certa fide.* But do not the old stories that say *Imperator & Augustus* was fixt on *Charles* the great, mean that *Cæsar* was even expresly given him in the name of *Imperator?* For in *Dutch*, as at this day, so long since, and it seems, as long since as *Charles* the great, **Der Keyser**, or **Kayser** (which is but the same word originally as *Cæsar*) being received from the state of *Rome* where it so denoted the Emperor, was taken to signifie the very word *Imperator*. Therefore, for *Imperator*, the Emperor in *Dutch* stiles himself perpetually *Keyser*. And I presume that if we could see a History of that time written in *Dutch*, it would tell us that the name of *Keyser* (meaning *Cæsar* as it denoted and was convertible with *Imperator*) was fixt on him. And, it seems, the word was become so much of use in *Dutch*, that in that ignorant time they would therefore not use it in *Latin*, but turn it by *Imperator*. Observe this stile of *Charles* the great in his Charter of foundation of the Bishoprick[n] of *Osnaburg* in *Westphalia*. Carolus *Imperator* Augustus *Romanorum gubernans Imperium, &c.* If *Imperator* were here used meerly to denote what it did by it self among the old Emperors of *Rome*, why then is *Romanorum gubernans Imperium* added to it? For in that sense they are but plain synonymies; which I find not affected in that age or otherwise in the stiles of the Empire. In the *Dutch* (wherein doubtless the title was first conceived, as it happens in other things of like nature) the stile plainly had been **Karl Keyser Mehrer des Reichs, der Romisch Gewalt Voget**, &c. which were the same in *Latin* thus, *Carolus, Cæsar Augustus, Romanorum gubernans Imperium.* And in truth the word *Keyser*

g *In Vitellio cap.* 7.
h *Histor.* 2.
i *Scriptores plerique Germ. sub anno* 101.
k *Præfat. ad* Jacobum Mag. Brit. Reg. *in tom.* 1. *Constit. Imperial.*
l *Imperial. Constit. tom.* 1 *pag.* 145. *ann.* 806.
m *Francofurti* 1564. *in* 8.
n *Codex Donat. pium*, Auberti Miræi. *cap.* 12.

Keyſer (which in the *Engliſh Saxon*, brought out of *Germany*, was written Cæſere, *Cæſere*) was become to ſignifie equally *Imperator*, *Auguſtus*, & *Cæſar*. So ſaith *Alfricus*, Archbiſhop of *Canterbury*, in the *Saxon* times; *Imperator*, [o] *vel Cæſar*, *vel Auguſtus* he interprets by Cæſere. But however, the word *Cæſar* is of it ſelf grown to be ſo ſignificant (as an appellative as well as a proper Name which at firſt it was only) in denoting ſupremacy, that it is ſometimes uſed to other great Princes beſide the Emperor of *Germany*, as it appears not only in ſome letters written between Queen *Elizabeth* and the *Grand Signior* [p] *Amurad* III. but alſo in the very words of a league made between them, where he is called *Cæſar*: and *Cæſarea Majeſtas*, is attributed to him.

o *In Grammatica Ms. penes Moreton. Lambard. Eq. Aurat*

p *Hackluit Voyag. part. 2. fol. 138. & 171.*

Octavius, that was next ſucceſſor to *Julius Cæſar*, was honor'd with the Title of *Auguſtus* in the Senate, ὡς τι πλεῖον ἢ κατ' ἀνθρώπους, as *Dio*'s words are, i.e. *As if he had been ſomewhat more than humane.* And, *non tantum novo* (ſo *Sueton* ſpeaks) *ſed etiam ampliore cognomine: quòd loca quæq; religioſa, &, in quibus auguratò quid conſecratur*, Auguſta *dicantur, ab auctu vel ab avium geſtu guſtúve*; and, for the word, he cites that of *Ennius*.

Auguſto augurio poſtquam inclyta condita Roma'ſt.

This was given him ſome XV years after *Julius* was ſlain, and that upon XVI. Kl. of February, that is, the XVII day of January (as *Cenſorin* [q] tells us; although ſome others differ from him ſome * few days) upon the motion of *L. Munacius Plancus*, and thence is the *Epocha* of the *Anni Auguſtorum*, as they call it. The *Greeks* interpret *Auguſtus* by Σέβας or *Venerable*. But certainly (as it is commonly agreed) it came firſt from *Augeo*, which (beſides the uſual ſenſe of it) is a proper word enough to ſacrifice; as *Augere Hoſtias*, which the learned *Caſaubon* remembers, and in like uſe the *Greeks* had their αὔξω. [r] *Pindar* hath αὐξομεν ἔμπυρα; as if he had ſaid *Augemus hoſtias*, or *inferias*. And in *Sextus Pompeius*, *Auguſtus* is interpreted *Sanctus*; and divers Inſcriptions to Gods and Goddeſſes, are extant with *Auguſto* or *Auguſtæ*, and *ædes Auguſtæ* occurr ſometimes for the Heavens: and

q *De Die Natali cap. 21.* Sext. Vipſan. Agripp. III. Coſſ.

* *Ovid. Faſt. 1. & Paul. Aquileg. hiſtor. lib. 7.*

r *Iſthmiac. Od. 4.*

Sancta vocant Auguſta *patres*; Auguſta *vocantur*,
Templa Sacerdotum rite dicata manu, ſaith [s] *Ovid.*

s *Faſtor. 1.*

ſo that this way, *Auguſtus* here may denote Venerable, or moſt Honorable, by a tranſlation from the holy uſe of the word whence it was derived; which alſo agrees well enough with the fancies of *Dio* and *Sueton* touching it. But the interpretation of it in the *Dutch* title of the Emperor at this day, makes it no otherwiſe than as if it came from *Augeo*, as in the common notion it ſignifies actively *to increaſe*. For it is expreſſed only by **Mehrer des Reichs** or **Vermeerder 's Rycks** (as the low *Dutch* is) which ſignifies expreſly an *increaſer of the Empire*, or *Imperii auctor*, according to that of *Paulus Diaconus*, who lived in the Court of *Charles* the Great. *Hodie*, ſaith he of *Octavius*, *primùm* Auguſtus *quòd* Rempublicam auxerit *conſalutatus eſt*; *quod nomen cunctis antèà inviolatum, & hucúſque cæteris inauſum, apicem declarat Imperii*: others to like purpoſe. From *Octavius*, this title of *Auguſtus* (which afterward was turn'd alſo into *ſemper Auguſtus*) hath

bee

been used by the succeeding Emperors to this day. Only some very few in the antientest and dissembling times declined the ordinary use of it: and the Empresses also were stiled *Augustæ*. And thus, the title of *Cæsar* being at first a note only of the first Family of the Emperors, and this of *Augustus* a designation τῆς ἀξιώματος λαμπρότητος, that is, *of the splendor or greatness of their dignity* (as *Dio*'s words are) they are stiled *Cæsares Augusti*; neither of the words denoting any power in them, but being only, now and ever since the first Family ended, Honorary. But although *Paulus Diaconus* says the title of *Augustus* was in his time never yet used by any other Prince, yet in Ages since him it hath been applied also to some other. *Bodin* attributes it to our *William* [t] the first. And the *French* had their *Philippus Augustus*; in the description of whose life, *Rigordus* an old Author, thus salutes his Reader. *Miramini, quod, in prima fronte hujus operis, voco Regem* AUGUSTUM. *Augustos n. vocare consueverunt scriptores Cæsares, qui Remp. augmentabant, ab* augeo, auges *dictos. Unde iste meritò dictus est* Augustus *ab* aucta Republica. *Adjecit enim Regno suo totam Viromandiam* (that is, the Territory about Saint *Quintins*) *quam prædecessores sui multo tempore amiserant, & multas alias terras; redditus etiam regni plurimùm augmentavit.* This *Philip* reigned about ꝛ I ɔ. CLXXX. *Frederique Barbarossa* being then Emperor. And long before this *Philip*, their first Christian King had it. *Ludovicus Rex* (saith *Sigebert*, so he calls King *Chlovis*) *ab Anastasio Imperatore Codicillos de Consulatu & Coronam auream cum Gemmis & Tunicam blatteam accepit, & ex ea die Consul &* AUGUSTUS *dictus est.* The Title also of Σεβαστὸς or *Augustus* is given to *Ptolemy Philadelphus* King of *Ægypt*, by *Manetho*'s [u] Letters to him. But it is justly suspected that the word came thither surreptitiously. But the old *Romans* had another kind of multiplying surnames, to their Emperors, by denominating them so often from Countries or Provinces, as they had done some brave act in composing, ordering, or conquering any of them. Examples of it are every where. Thence hath *Justinian* such a title with *Alemanicus, Gotticus, Francicus, Germanicus, Anticus, Alanicus, Vandalicus, Africanus.* And this way was that surname of *Germanicus* given [x] by decrees of the Senate to *Drusus*. But we need not doubt, but they had of these oft-times more by the flattery of the people than by desert. *Appellatus est Commodus* (they are *Lampridius*'s words) *etiam* BRITANNICUS *ab adulatoribus, quùm Britanni etiam Imperatorem contra eum deligere voluerunt.* If the denomination were subject to a ridiculous interpretation, some of them abstained from it. As when *Aurelian* had the day of the *Carpi* (a people upon the River *Donaw* in the now *Hungary*) and heard that the Senate would needs name him *Carpicus*, he presently writes to [y] them *Super-est P. C. ut me etiam* Carpisculum *vocetis.* For *Carpisculus* signified a kind of shoe, which made him dislike the Equivoque. Although on the other side the wicked *Caracalla* was proud of this title *Germanicus*, not [z] only as it respected his *German* victories, but withal as it alluded to the murdering of his brother, signified by *Germanus*: affirming, that if he had conquered the *Lucani* he would have been called *Lucanicus*; as ridiculous a name as *Lucanica*, signifying a kind of *Hogs-pudding*, whence the *Romans* called those that were great eaters [a] *Lucanici.* And these kind of denominations, as all other their titles of the elder times (as *Pater patriæ, Pius*, and such more, which have been long since out of use) were given them by the State, or Senate, not taken by themselves,

[t] Guil. Nothus *Augustus* dictus *lib. de Reg. 2. cap. 2.*

[u] *Euseb. Chron. λογ. α.*

[x] *Sueton. in Claudio, cap. 11.*

[y] *Flav. Vopiscus.*

[z] *Æl. Spartianus.*

[a] *Amm. Marcel. hist. 28.*

selves, ὅπως μηδὲν ἄνδ δόσεως τίνος ἔχειν δοκῶσιν (as [b] *Dio*'s words are) that is, *lest they might not seem to have any thing in them but what the State conferr'd on them.*

b *Hiſtor. lib.* 53.

II. That continuing of a denomination of Emperours and Kings from some great Predeceſſour, was much antienter also than this use of the *Roman* Empire. For in a like manner, we see that in the holy Story, all the *Ægyptian* Kings until *Salomon*'s time are called *Pharaoh*, which was neither a proper name nor surname of the Family, but only a title which every one of them had belonging to him as he was King. He that first had this name was called also *Narecho*. But *Manetho* saies, that from him all that were Kings of *Egypt*, had this title as hereditary. Ἐκ τότε, saith he, οἱ ἀπὸ τοῦ γένους ὡσπὲ κληρονόμοι βασιλεῖς ΦΑΡΑΩ προσαγορεύοιντο, that is, *all the Kings that descended from him are called Pharaoh.* And *Josephus*; that all from King *Menis*, who was much antienter than *Abraham*, were called *Pharaohs*, which was proper only to Kings, and not communicable to their Queens. But, in prophane story, we have other proper names for them. That *Pharaoh* under whom *Joseph* was prisoner, some say was called *Themosis*; others, [c] supposing *Themosis* to be the *Pharaoh* that was drowned in the red Sea, and that his Father's name was *Alisfragmuthosis*. But later and more curious computation, places the Israelites coming out of *Ægypt* under *Armais Pharaoh*; and *Cedren* under *Petisson*. He which took *Sara* is called [d] *Nechias*; and, in the *Ægyptian* Annals of *Manetho*, partly preserv'd in *Josephus* and *Eusebius*, enough more such occur. But also after *Salomon*'s time some *Pharaohs* are remembred in the holy Story with their other particular names; but none by the name of *Pharaoh* alone; as *Pharaoh* [e] *Necho*, *Pharaoh* [f] *Chophra*, [g] and *Shisach*. *And I have found* (saith [h] *Josephus*) *in the Stories of my own Country, that after* Pharaoh, Salomon's *Father* [i] *in law, none of the Ægyptian Kings were called any more by this name*, which must be understood that none were called by this name alone, without the addition of their own proper names. The *Hebrews* write this name פרעה; and there are some derivations of it, but none worth the remembring. Some think it signified a *King* in the *Ægyptian* Idiom: so expresly *Josephus*. Ὁ Φαραὼ, saith he, κατ' Αἰγυπτίους βασιλέα σημαίνει, that is, *Pharaoh among the Ægyptians signifies a King.* So saies *Julianus Africanus* and others. And in the [k] *Ægyptian Onirocritiques*, the name seems to be used for a *King*, as an appellative. If *Nilus* in a dream appeared to flow over (they say) then it signified that Φαραὼ εὐφρανθήσεται μετὰ τῶν μεγιστάνων αὐτοῦ, as the words of *Achmet* are; that is, *The King with his Grandees shall have cause to be glad.* Although the same Authour in another place speak of one *Tarphan* whom he calls the Interpreter, τοῦ Φαραὼ τοῦ βασιλέως τῶν Αἰγυπτίων, *of* Pharaoh *the King of the Ægyptians*, as if it were not so much an appellative as a proper name. But that of *Suidas* may be taken either way; All the Kings of *Ægypt*, saies he, were called *Pharaoh*, ἀπὸ τοῦ πρώτου Φαραὼ, or *from the first Pharaoh*, which may mean either the first King that had that name, or generally the first King. But after the *Grecian* Monarchy divided among *Alexander*'s great Courtiers, *Ptolemy* the Son of *Lagus* took *Ægypt* and *Afrique*, and, from him, his Successours were all called *Ptolemies* with some other addition; as *Ptolemy Philadelphus*, *Evergetes*, *Philopator*, and such like: which gave occasion of a foolish errour in some, supposing, through the community of name, that *Ptolemy* the great Mathematician, was one of the

c *Manethon. apud Joseph. adu. App. a. & videsis Philastrium de haresibus.*

d *Josep'. Halosepos 6. cap. 11.*

e *2 Reg. cap. 23.*

f *Jer. cap. 44.*

g *2 Paralip. 11.*

h *Archæol. lib. 8. cap. 2.*

i *1 Reg. cap. 3. com. 1.*

k *Achmet. in Onirocrit. cap. 176. & cap. 4.*

the *Ægyptian* Kings, and *Philadelphus*; which *Haly Aben Rodoan*, upon the *Quadripartit*, confutes against *Albumazar* and others. Indeed, he was an *Ægyptian* of *Peluſium*; but he lived under the *Roman* Emperours, which *Haly* thence proves becauſe his hypotheſes of the Stars, as they are placed in his *Almageſt*, are of that time. It is certain, he was under the firſt *Antonin*, and a private man. According to this kind of continuance of names in ſucceſſion, are in a manner thoſe Patronymiques of *Achemenidæ* in the *Perſian* Kings, *Alevadæ* in the *Theſſalian*, *Cecropidæ* in the *Athenian*, from *Achemenes*, *Alevas*, *Cecrops*. So were the *Daniſh* Kings antiently titled *Skioldungs* from their great King *Skiold*. The *French* had their *Merovings*, the old *Kentiſh* Kingdom here its *Oiſcings*, from *Merovee* and *Oiſca*. And as among the *Ægyptians*, *Ptolemy*; ſo among the *Amalekites*, *Agag* was a name for every [l] of their Kings, and for their Nation alſo, derived into them from *Agag* the Son of *Amalek*. For whereas in holy Writ we find *Haman* the Son of *Hammadetha* the *Agagite*, *Joſephus* calls him the *Amalekite*, and the [m] *Chaldee Targum* רו מורעית אגג בן אמלק i. e. *of the Poſterity of Agag, the Son of Amalec*. The *Parthian* Princes from *Arſaces*, their firſt great Monarch, were called *Arſaces* with ſome other name proper to every particular. *Cujus memoriæ* (ſaith [n] *Juſtin*) *hunc honorem Parthi tribuerunt ut omnes exinde Reges ſuos* Arſacis *nomine nuncupent*. The *Alban* Kings in *Italy* had every of them the addition of *Sylvius*, as you ſee in the *Roman* ſtory. And ſome old *Indian* Kings [o] from *Palibothra*, which was their chief City, are called *Palibothri*. Moſt of the *Bithynian* Kings were called *Nicomedes*. And, in ſtead of *Cæſar*, it was purpoſed by *Ataulph* King of the [p] weſt *Goths* in *Italy*, that, Poſterity ſhould call the *Roman* Emperours, by his name, *Ataulphs*; and after their King *Flavius Antharis*, all the ſucceeding Kings had that [q] Forename. Upon that of *Lycophron*,

Κλήτω ἄνασσαν ἣ ἐπωνύμε πάτρας,

Iſaac Tzetzes notes that from this *Cleta* (an *Amazon*) all the Queens which reigned there afterward bare her name. He means the City *Cleta* in the inferiour *Calabria*. And of this kind, more might be obſerved. In later times the *Conſtantinopolitan* Emperours much affected to give their children and themſelves the great name of *Conſtantine*, not as firſt impoſed, but as an addition to the proper name. The Preface of a Conſtitution [r] of *Heraclius*, thus begins. *In the name of the Lord Jeſus Chriſt, our God, Heraclius* and *Heraclius* Νέος Κωνσταντῖνος. *Heraclius* the Son is ſtiled *New Conſtantine*, being taken in as a Partner of the Empire by his Father. And in the Monaſtery of *Suluna* at *Conſtantinople*, *Michael Palæologus* and his Empreſs *Theodora*, are painted with three Inſcriptions, the one being (as *Leunclaw* [f] remembers it, in Latine) thus conceived:

MICHAEL IN CHRISTO DEO
FIDELIS REX ET IMPERATOR
DUCAS ANGELUS COMNENUS
ET NOVUS CONSTANTINUS.

And the *Turks* uſed to call all thoſe *Conſtantinopolitan* Emperours *Conſtantins*, as alſo *Teggiurlar* in deriſion (*Teggiur* ſignifying a Lord of ſome ſmall Territory) not thinking them in their later times worthy the name of Emperour. But this of *Conſtantine* was no otherwiſe than the *Romans*

l *Moſes Grundenſis ap. Munſter. ad Num. cap. 24. & 1. Sam. cap. 15, 8.*
m *Targ. 2. Eſth. cap. 3. 1.*
n *Hiſtoriar. lib. 41.*
o *Strabo. Geograph. 15. & 12.*
p *Alexand. ab Alex. Genial. Dier. 1. cap. 2.*
q *Paul Warnfred de geſt. Longobard. 3. cap. 16.*
r Circa Ann. DCXX.
f *Pandect. Turcic. cap. 51.*

t *Caracallâ.*

u *Diadumeno,* & in initio *Heliogabali.* & vide *Capitolin in Opilio Macrino* de hoc nomine.

x *Spartian. in Geta.*

mans uſed the name of *Antonin. Itaque nomen Antoninorum* (ſaith [t] Spartian) *inoleverat ut velli ex animis hominum non poſſet: quòd omnium pectora velut Auguſti nomen obſederat.* And [u] *Lampridius* to the ſame purpoſe: *Fuit tam amabile illis temporibus nomen Antoninorum, ut, qui eo nomine non niteretur, mereri non videretur imperium.* Whereupon, it ſeems, *Severus* his purpoſe [x] was grounded, that all his *Succeſſours* ſhould have been called *Antonins* as they were *Auguſti.* And when *Alexander Severus* was by thoſe turbulent acclamations urged to the name of *Antonin*, he earneſtly and often refuſed it, leſt the very name might breed in them expectation of what he ſhould not be able to perform in his Empire. It was a ſurname of the *Arrian* Family, and firſt in *Pius* when his Grand-father (*T. Arrius Antoninus*) on his Mothers ſide adopted him. But, when they had given him the ſurname of *Pius*, it grew to be his name, thus: *T. Antoninus Pius.* Others in continued ſucceſſion bare it, and that with affectation, either in Forename, Name, or Surname, until the *Maximins*, and as ſome of the old Writers would, till the *Gordians*; all deriving the honour of it from *Pius* and *Marcus.* The Princes alſo or Deſpots of *Servia*, are called by the *Turks Lazars*, from *Lazar* or *Eleazar Bulk* (theſe two being both one name) which firſt got that Territory from [y] *Stephen* King of *Bulgary.* As alſo ſometimes *Bulcoglar*, i. e. *the Sons or Poſterity of Bulk*, which the *Servians* expreſs, according to their *Slavonique*, *Bulcovitz.* So from *Crates*, the *Bulgarian* Princes were *Cratevitz*, as in like Analogie, the *Dalmatian*, *Cernovitz*; the *Albanian*, *Karolovitz*, deriving their title out of the *French Carolin* ſtock. But theſe and the like proceed from the Authours of the Family or Predeceſſours, and are rather like Princes ſurnames at this day than honorary notes of Majeſty. Therefore have I briefly thus run them over, and return to ſuch Accidental attributes as expreſly, both in their original and continuance, are of Honour or Greatneſs in ſupreme Princes.

y *Calchondyl de reb. Turcic. lib. 6. & Leunclau. Pandect. Turcic. cap. 46. & 54.*

III. The *French* Kings have from antient time, to this day, been known by that addition of *Moſt Chriſtian.* When it began in them is uncertain. Some fetch it from *Rome* to *Charles* the Great. But ſo it ſhould rather have [z] remained in the Empire. Some refer it to the Councel of *Orleance* held under King *Lewes* or *Clovis* their firſt Chriſtian King, about the year D. But there are no other words in that Councel to this purpoſe, than [a] *Domino Suo, Catholico Eccleſiæ Filio, Clodoveo glorioſiſſimo Regi, omnes Sacerdotes quos ad Concilium venire juſſiſtis.* Indeed in Saint *Remigius* or *Remy*'s [b] Teſtament (he was the firſt Archbiſhop of *Rhemes*) that King *Clovis* is called *Chriſtianiſſimus Ludovicus*, and was the firſt Chriſtian King of great note and Empire, although, if we believe the beſt Stories of credit touching our Iſland, King *Lucius* above CCC years before *Clovis*, was clearly the firſt Chriſtian King of *Europe* whereof any Writer makes mention, unleſs, you think, *Tiberius* was a Chriſtian, becauſe he ſomewhat inclined to Chriſtianity, and perhaps had embraced it if he had perceived that the Senate would have liked it. But the *French* King hath this Title from antient time fixed on him, and given him in ſolemn expreſſions of his name, in the ſecond and third Perſon, but not in the firſt. For he uſes it not in the Stile of his Letters, Commiſſions or Grants. But others give it him, and he is known and expreſſed by it; often alone without more addition to it, *Le Roy treſ-chriſtien.* And in the old Regiſter of the

z Videſis *Valdeſ. de dignit. Reg. Hiſp. cap.* 13. §. 19.

a *Tom. 2. Concil. Aurel.* 1. *cap.*

b *Flodoard. hiſt. Remenſ.* 1. *c.* 18.

the Court of *Rome*, where the Kings of Christendom are in a Catalogue, though none else have any addition, the King of *France* is thus noted, *Rex Francorum* Christianissimus *Coronatur & Inungitur.* Divers Letters also of the Pope have antiently stiled him with that Title, and some of them are as old as *Pipin*'s [c] time. And for the credit of the *French* Nation in this kind, *Agathias* that [d] lived above cIↃ years since, affirms of them then, that χριστιανοὶ ἅπαντες τυγχάνουσιν ὄντες καὶ τῇ ὀρθοτάτῃ χρώμενοι δόξῃ, i. e. *They are all Christians and most Orthodoxal:* as if he had designed the Nation also to be *Christianissima*; according as *Nicolaus de Clemangiis*, in honour of that Nation. *Hæccine*, saith [e] he, *est antiqua virtus, laus probitas & religio culturáq; justitiæ quibus sunt nostri Majores præ cæteris terrarum populi* Christianissimi *appellati?* But how this of *Christianissimus* came first setled as peculiar to their Kings plainly enough appears not. Some take it to have been given by *Pius* II. to *Lewes* XI. of *France*, [f] about CLX years since; and Pope *Alexander* VI. had some purpose since, they say, to have transferred it to *Ferdinand* V. of *Spain* from *France*.

[c] *Voyez Hier. Bignon de l'excellence des Royes de Fr. liu. 3 pag. 514.*
[d] *Histor. a.*
[e] *Lib. de Lapsu & Reparatione Justitiæ, cap. 9.*
[f] *Mariana de Rebus Hispan. lib. 26. cap. 12.* videsis *Valdes. de dignit. Reg. Hisp. cap. 13. §. 21.*

The *French* also would have their King peculiarly honoured with the Title of *Filz aisnè de l'Esglise*; and they observe also that his dignity was anciently reputed such that the name of *King* absolutely, without further addition, denoted him. And to that purpose they use that of *Suidas*, Ῥῆξ, saith he, ὁ τῶν φράγγων ἀρχηγός, that is, *Rex denotes the King of France*, which, yet, I rather conceive to have relation to the Emperour of the West. For the *Germans*, *Italians*, *French*, and the rest of *Europe*, were usually called *Franks* by them of the Eastern Empire; and so *Suidas* being of that Nation, meant only the Emperour of the West, to whom, as is before shewed also, they of the East allowed willingly no other Title than *Rex*. But also for *Christianissimus*; not only some of the antient Emperours of *Rome* (as we see in the Epistles of Saint *Ambrose*, the Councel of *Aquileia*, in both the Codes, and elsewhere) but also the Kings of *England* have been titled with it, as appears in some Letters and Bulls directed to them from *Rome*. So in some Councels of *Toledo*, and Letters from the Popes, the *Spanish* Kings have it. But all this was before such time as it was conceived to belong more especially to *France*.

IV. The beginning and ground of that Attribute of *Defender of the Faith*, which hath been perpetually, in the later Ages, added to the stile of the Kings of *England* (not only in the first Person; but frequent also in the second and in the third, as common use shews in the formality of Instruments of conveyance, leagues, and such like) is most certainly known. It began in *Henry* VIII. For he, in those awaking times, upon the quarrel of the *Romanists* and *Lutherans*, wrote a Volume against *Luther*, in defence of Pardons, the Papacy, and VII Sacraments. And of this Work the Original is yet [g] remaining in the Vatican at *Rome*, with his own hand, thus inscribed to Pope *Leo* X.

[g] *Franciſc. Swert. in Deliciis Orb. Christ.*

ANGLORUM REX HENRICUS,
LEONI X. MITTIT HOC OPUS ET
FIDEI TESTEM ET AMICITIÆ.

Whereupon the Pope (in XII year of his Reign) conferred it upon him by his Bull, commanding all Christians that in their directions to him, they

they ſhould after the word King, adde this of *Defender of the Faith.* The Bull it ſelf (ſubſcribed by the Pope and Cardinals of that time) is yet [h] extant in that ineſtimable Treaſury of our great Preſerver of the beſt teſtimonies of Time, Sir *Robert Cotton*; whence it is hither tranſcribed, and thus ſpeaks.

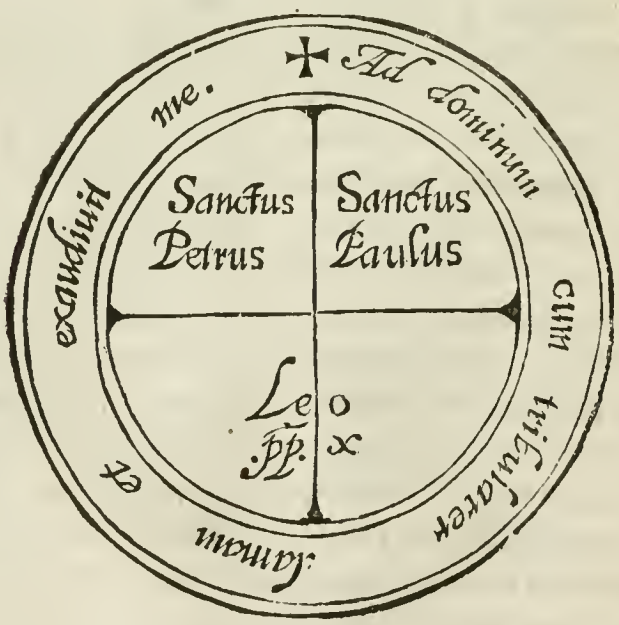
h The Bull is publiſhed alſo in *Laertius Cherubinus de Nurſia* his *Bullarium tom.* 1. *pag.* 545. & *in Summ. Conſtit. Pontif. Petr. Matthæi in Leon.* 10. *Conſtit.* 12. *pag.* 227. and in Engliſh, in *Speed's* Hiſtory in *Henry* 8.

LEo Epiſcopus ſervus ſervorum *Dei. Chariſſimo in Chriſto Filio,* Henrico Angliæ Regi, Fidei Defenſori, *Salutem & Apoſtolicam benedictionem. Ex ſuperna diſpoſitionis arbitrio, licet imparibus meritis, univerſalis Eccleſiæ regimini præſidentes, ad hoc cordis noſtri longe latèq; diffundimus cogitatus ut fides Catholica ſine qua nemo proficit ad ſalutem, continuum ſuſcipiat incrementum; & ut ea quæ pro cohibendis conatibus illam deprimere, aut pravis mendacibuſq; commentis pervertere & denigrare molientium, ſanâ Chriſti fidelium, præſertim dignitatè Regali fulgentium, doctrinâ ſunt diſpoſita, continuis proficiant incrementis partes noſtri Miniſterii & operam impendimus efficaces. Et ſicut alii Romani Pontifices prædeceſſores noſtri Catholicos Principes (prout rerum & temporum qualitas exigebat) ſpecialibus favoribus proſequi conſueverunt, illos præſertim, qui procelloſis temporibus, & rabidâ Sciſmaticorum & Hæreticorum fervente perfidiâ, non ſolum in fidei ſerenitate & devotione illibatâ Sacroſanctæ Romanæ Eccleſiæ immobiles perſtiterunt, verumetiam tanquam ipſius Eccleſiæ legitimi filii ac fortiſſimi Athletæ Sciſmaticorum, & Hæreticorum inſanis furoribus ſpiritualitèr & temporalitèr ſe oppoſuerunt; Ita etiam Nos Majeſtatem tuam propter excelſa & immortalia ejus erga Nos & hanc ſanctam Sedem, in qua permiſſione divinâ ſedemus, opera & geſta, condignis & immortalibus præconiis & laudibus efferre deſideramus, ac ea ſibi concedere propter quæ invigilare debeat, à grege Dominico Lupos arcere, et putrida membra quæ myſticum Chriſti Corpus inficiunt ferro, et materiali gladio abſcindere, et nutantium corda fidelium in fidei ſoliditate confirmare. Sanè cum nuper dilectus filius* Johannes Clerk *Majeſtatis tuæ apud Nos Orator in Conſiſtorio noſtro coram venerabilibus fratribus noſtris ſanctæ Romanæ Eccleſiæ Cardinalibus et compluribus aliis Romanæ Curiæ Prælatis* Librum, *quem Majeſtas tua, charitate, quæ omnia ſedulò et nihil perperam agit, fideiq; Catholicæ zelo accenſa, ac devotionis erga Nos, et hanc ſanctam Sedem fervòre inflammata contra errores diverſorum Hæreticorum ſæpius ab hac ſancta Sede damnatos nuperq; per* Martinum Lutherum *ſuſcitatos et innovatos, tanquam nobile ac ſalutare quoddam Antidotum compoſuit, nobis exami-*

examinandum, et deinde auctoritate nostra approbandum obtulisset, ac luculentâ oratione sua exposuisset, Majestatem tuam paratam ac dispositam esse, ut quemadmodum veris rationibus ac irrefragabilibus sacræ Scripturæ ac Sanctorum Patrum auctoritatibus, notorios errores ejusdem Martini *confutaverat; ita etiam omnes eos sequi, & defensare præsumentes totius Regni sui viribus, & armis persequatur, Nosq; ejus Libri admirabilem quandam & cœlestis gratiæ rore conspersam Doctrinam diligentèr accuratéq; introspexissemus, omnipotenti Deo à quo omne Datum optimum & omne Donum perfectum est, immensas gratias egimus, qui optimam & ad omne bonum inclinatam mentem tuam inspirare, eíq; tantam gratiam superne infundere dignatus fuit ut ea scriberes quibus sanctam ejus fidem contra novum Errorum Damnatorum hujusmodi suscitatorem defenderes, ac reliquos Reges & Principes Christianos tuo exemplo invitares ut ipsi etiam Orthodoxæ fidei, & Evangelicæ veritari in periculum & discrimen adductæ omni ope sua adesse opportunéq; favere vellent. Æquum autem esse censentes eos qui pro fidei Christi hujusmodi defensione pios labores susceperunt omni laude & honore afficere, volentésq; non solum ea quæ Majestas tua contra eundem* Martinum Lutherum *absolutissimâ doctrinâ, nec minori eloquentia scripsit, condignis laudibus extollere ac magnificare, auctoritatéq; nostra approbare, & confirmare, sed etiam Majestatem ipsam tuam tali honore ac titulo decorare, ut nostris ac perpetuis futuris temporibus Christi fideles omnes intelligant quam gratum acceptúmq; nobis fuerit Majestatis tuæ munus, hoc præsertim tempore nobis oblatum; Nos qui Petri, quem Christus in cœlum ascensurus Vicarium suum in terris reliquit, & cui curam Gregis sui commisit, veri Successores sumus et in hac sancta Sede, à qua omnes Dignitates, ac Tituli emanant, sedemus, habitâ super hiis cum eisdem fratribus nostris maturâ deliberatione de eorum unanimi consilio et assensu Majestati tuæ titulum hunc, videlicet,* Fidei Defensorem, *donare decrevimus prout te tali titulo per præsentes insignimus, mandantes omnibus Christi fidelibus ut Majestatem tuam hoc titulo nominent, et cum ad eam scribent post dictionem,* Regi, *adjungant* Fidei Defensori. *Et profectò hujus tituli excellentia et dignitate ac singularibus meritis tuis diligenter perpensis, et consideratis, nullum neq; dignius neq; Majestati tuæ convenientius nomen excogitare potuissemus, quod quotiens audies aut leges, totiens propriæ virtutis optimíq; meriti tui recordaberis, nec hujusmodi titulo intumesces vel in superbiam elevaberis, sed solita tua prudentia*

tia humilior, et in fide Christi, ac devotione hujus sanctæ Sedis à qua exaltatus fueris fortior et constantior evades, ac in Domino bonorum omnium Largitore Letaberis perpetuum hoc et immortale gloriæ tuæ monumentum Posteris tuis relinquere, *illisq; viam ostendere, ut si tali titulo ipsi quoq; insigniri optabunt talia etiam opera efficere præclaráq; Majestatis tuæ vestigia sequi studeant, quam prout de Nobis et dicta Sede optimè merita est unà cum uxore et filiis, ac omnibus qui à te et ab illis nascentur nostrâ benedictione in nomine illius à quo illam concedendi potestas nobis data est, larga et liberali manu benedicentes, Altissimum illum qui dixit,* Per me Reges regnant, & Principes imperant, & in cujus manu corda sunt Regum, *rogamus et obsecramus ut eam in suo sancto proposito confirmet, ejúsq; devotionem multiplicet, ac præclaris pro sancta fide gestis ita illustret ac toti Orbi terrarum conspicuam reddat, ut judicium quod de ipsa fecimus eam tam insigni titulo decorantes à nemine falsum aut vanum judicari possit: Demum mortalis hujus vitæ finitò curriculo sempiternæ illius gloriæ consortem atq; participem reddat. Dat. Romæ apud Sanctum Petrum, Anno Incarnationis Dominicæ millesimo, quingentesimo vicesimo primo. Quinto Idus Octobris, Pontificatus nostri Anno nono.*

✠ Ego LEO X. Catholicæ Ecclesiæ Episcopus ſſ.



✠ *Ego B. Episc. Ostien. Car. S.* ✠ *ſſ.*
✠ *Ego N. Car. de Fliſco, Episc. Albanus, ſſ.*
✠ *Ego A. Episc. Tuscul. d. Farnesius, ſſ.*
✠ *Ego A. Episc. Alban. ſſ.*

PRIEST

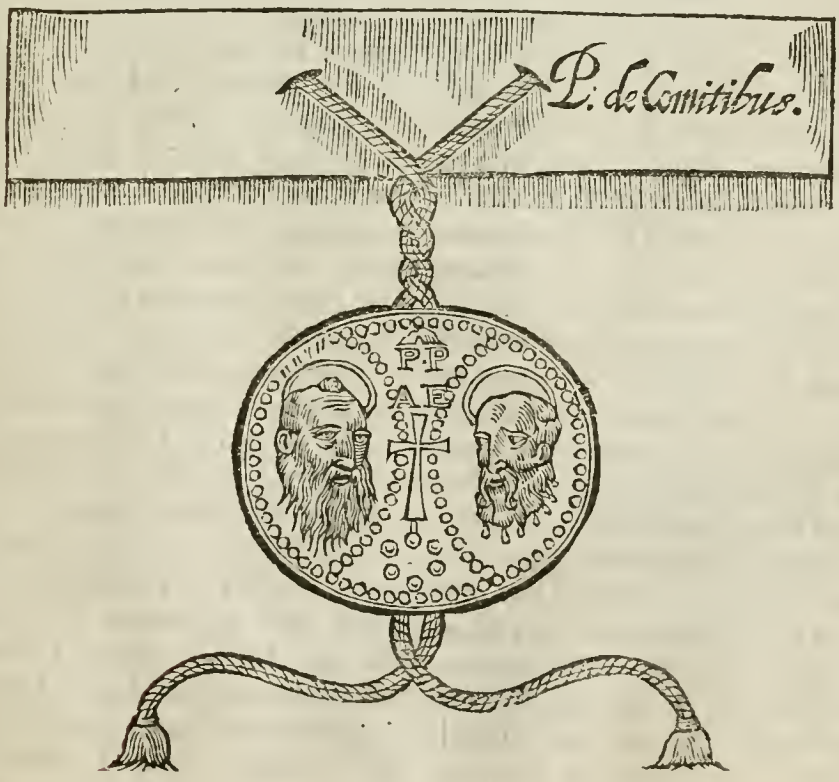
PRIEST CARDINALS.

✠ *Ego P. tit. S. Eusebii Presbyt. Car. ſſ.*
✠ *Ego A. tit. S. Mariæ in Transtiberin. Presbyt. Car. Bonon.*
✠ *Ego Lan. tit. S. Quatuor Coronatorum, Presbyt. Car. prop. manu, ſſ.*
✠ *Ego Jo. Do. tit. S. Jo. an. por. Lat. Presbyt. Car. Racanaten. manu propria, ſſ.*
✠ *Ego A. tit. S. Priſci, Presbyt. Car. de Valle, manu propria.*
✠ *Ego Jo. Bap. tit. S. Apollinaris, Presbyt. Car. Cavallicen. ſſ.*
✠ *Ego S. tit. S. Cyriaci in thermis Presbyt. Car. Comen. ſſ.*
✠ *Ego D. tit. S. Clementis Presbyt. Car. Jacobinus, ſſ.*
✠ *Ego L. tit S. Anaſtiæ Presbyt. Car. Campegius, ſſ.*
✠ *Ego F. Ponzettus, tit. S. Pancratii Presbyt. Car. ſſ.*
✠ *Ego G. tit. S. Marcelli, Car. Presbyt. de Vic. ſſ.*
✠ *Ego F. Armellinus Medices, tit. S. Caliſti, Presbyt. Car.*
✠ *Ego Tho. tit. S. Xiſti, Car. Presbyt.*
✠ *Ego E. tit. S. Matthæi, Presbyt. Car.*
✠ *Ego Ch. tit. Mariæ Aræ cœli, Presbyt. Car. ſſ.*

DEACON CARDINALS.

✠ *Ego F. S. Mariæ in Coſmedin. Diacon. Car. Urſinus, manu prop. ſſ.*
✠ *Ego P. S. Euſtachii Diaconus, Car. manu propria, ſſ.*
✠ *Ego Alex. S. Sergii & Bacchi Diacon. Car. Cæſoninus, manu. prop. ſſ.*
✠ *Ego Jo. S. Coſmæ & Dam. Diacon. Car. de Salviatis, manu prop. ſſ.*
✠ *Ego N. S. Viti* : : : : : : Diacon. Car. Rodulphus, manu prop. ſſ.*
✠ *Ego Her. S. Agathæ Diaconus Car. d. Rangon. manu propria, ſſ.*
✠ *Ego Aug. S. Hadriani Diaconus, Car. Trivultius, manu propria, ſſ.*
✠ *Ego F. S. Mariæ in Porticu, Car. Piſanus, manu propria, ſſ*

* *Quid ſibi velint linearum in eo loco ductus omnino neſcimus. Scimus tamen titulum hujuſce Nicolai fuiſſe* SS. Viti & Modeſti.



But although by reaſon of the form of the page here, the ſubſcriptions of the Cardinals thus follow after the Popes and one anothers, yet in the Bull it ſelf, the Biſhop-Cardinals are together on the right hand of the Signet and cloſe to it, and then, on their right hand, all the Prieſt-Cardinals are ranked; and on the left hand of the Signet (at the like diſtance as the Prieſt-Cardinals are on the other ſide removed by reaſon of the Biſhops) the Deacon-Cardinals have their place; as in other Bulls ſubſcribed by the Cardinals the faſhion is.

After this Bull, *Henry* the VIII. preſently uſed the Stile according as the Pope had given it him, and called himſelf, and was called, *Of England and France King, Defender of the Faith, and Lord of Ireland.* But after, the name of Lord of *Ireland* was turned into *King*, then the word *Ireland* came in after *France* with the ſame title. And ſome Medals of gold inſcribed with his former ſtile and this addition, expreſſed in *Latin*, *Greek*, and *Ebrew*, were diſperſed into many hands. But *Sleidan*, ſpeaking of the Popes giving this attribute to *Henry* the VIII. ſays, that *Honorificum cognomen Regi attribuit* Defenſorem *appellans* Eccleſiæ; whereas that Title indeed was more proper to the Emperor, to whom more peculiarly is given that name (though not in his Title) of *Defender of the Church*, or [a] *Advocatus Eccleſiæ*: whence alſo in the time of *Henry* the VIII. when the Title of *Defender of the Faith* was new in *England*, there were Verſes made in honour of him and the Emperor, and inſcribed over the Counſel-Chamber-door in *London* at the *Guild-hall*, where they yet remain thus expreſſing them with each of thoſe attributes.

a Videſis *Pet. Muth. in Conſtit. Pontific. fol. 27. & Adam. Contzen de Repub. lib. 7. cap. 6. §. 2.*

Carolus, Henricus vivant, Defenſor *utérque*,
Henricus Fidei, *Carolus* Eccleſiæ.

But this Attribute of *Defender of the Church*, came not to the Emperor by any ſuch means as that other did to *Henry* the VIII. The reaſon why it is ſo ſpecially given to the Emperor (but not in his ordinary Stile) is becauſe at his greateſt and laſt Coronation, which is to be performed by the Pope in perſon, he is to take a ſolemn oath which binds him to be *Defenſor Romanæ Eccleſiæ perpetuus*, as the oath was when *Charles* the V. was crowned at *Bologna*, by Pope *Clement* the VII. *Ego Carolus Romanorum Rex* (ſo are the words of it) *& brevi, Dei gratia, futurus Cæſar, per Deum Divúmque Petrum promitto, polliceor teſtificor atque juro me impoſterum pro viribus ingenio & facultatibus meis* Pontificiæ dignitatis, & Romanæ Eccleſiæ perpetuum *fore* Defenſorem, *nec ullam Eccleſiaſticæ libertati vim illaturum. Sed poteſtatem juriſdictionem & dominationem ipſius quoad ejus fieri poteſt, conſervaturum ac protecturum, cujus rei teſtem voco Deum ipſum & hæc ſancta Evangelia:* as it is related by *Georgius Cœleſtinus* in his Hiſtory of the *Diet* of *Auſpurg* under the ſame Emperor. And the ſame in ſubſtance was the ſolemn [b] oath of the more antient Emperors. Neither is that Title of *Defender of the Church* differing (ſave only in the ſyllables of expreſſion) from that of *Servus Apoſtolorum Dei*, ſince uſed by the Emperor *Otho* the III. not only in that Patent of his gift to the See of *Rome*, but alſo in ſome of his inſtruments of privileges made to the Church of *Hamborough*, as it is obſerved by a *German*, that without prefixion of his name, ſome X years ſince wrote

b *Sigonius de Regno Ital. lib. 16.*

wrote some Annotations upon the Donations of *Constantine* and the same *Otho* to that See. And with these agrees that Article of the Capitulation between the present Emperor *Ferdinand* the II. and the Princes Electors, which was, *Quod*[c] *toto istius nostræ Regiæ Dignitatis officii & Regiminis tempore, universam Christianitatem, Romanam sedem, ejusdem summum Pontificem & Christianam Ecclesiam tanquam illius* Advocatus *fideli protectione conservare, &c. & debeamus & volumus*, though the III Electors, of the *Palatinate*, of *Saxony*, and of *Brandeburg*, being Protestant Princes, by their Embassadors protested against it. Some of the old Kings of *Sicily* also used Titles in their Stile somewhat like these, as *Christianorum adjutor & Clypeus*, and *Christianorum adjutor & defensor*, as we see in the observation of them made by *Scipione*[d] *Mazzella*. But besides that of *Defender of the Faith*, *Henry* the VIII. by Act[e] of Parliament had the Title of *Supreme Head of the Church of England*, annexed and united to the Imperial Crown of this Realm, which was used by him and King *Edward* the VI. next those words of *Defender of the Faith*: as also it was by the[f] Lady *Jane* that pretended to be Queen against Queen *Mary*, in the Proclamation that was made of her right to the Crown. Neither did Queen *Mary* at first abstain from it. But in the Proclamation of her right also she was called so. But it hath been since wholly omitted: yet it was a great question in the beginning of Queen *Mary*,[g] whether the Writs of Summons to the Parliament, which had not this Title in the Queens Stile, were Legal or no. But it was at length resolved upon great deliberation that they were Legal, and that the Act which gave the Stile was to be understood only affirmatively without any negative inference that the Stile should not be good without it.

c *Cancellar. Hispan. pag.* 46.

d *Descrit. de Napoli. pag.* 471

e 26. *Hen.* 8. *cap.* 1.

f *Giuglio Raviglio di li successi d'Inghilterra &c. pag.* 9. & 21. *Ferrara* 1560.

g 1. *Mariæ*, *Dyer. fol.* 98. *a*.

V. As that of *Most Christian*, and *Defender of the Faith*, are peculiar to the *French* Kings, and the Kings of *England*; so the Kings of *Spain* have their Title of *Catholick*, which signified in like sort a clear exclusion of Heresie, as that of *Most Christian* doth of Judaism or Paganism: and, this Title of the Kings of *Spain* is usually denoted by *Catholica Majestad*, or *Catholick Majesty*; as *Charles* V. (being Emperor and King of *Spain* together) was by *Sacra Cæsarea Catholica Majestad*. The beginning of this is, by the *Spanish* Writers, frequently referr'd to King *Recared*, who about the year DXC. in the third Councel of *Toledo*, was stiled so by acclamation of the Bishops in regard of his religious care and consent in rooting out the[h] *Arrian* heresie. Among the acclamations we read; *Cui à Deo æternum meritum, nisi vero* Catholico *Recaredo Regi? Cui à Deo æterna corona, nisi vero Orthodoxo Recoredo Regi?* But in the inscription or stile of the Councel he is only called *Glorioſissimus, Piissimus & Fidelissimus Dominus*: neither did Pope *Gregory* the great in his Letters that are Extant to him, call him *Catholicus*. Afterward about the year DCC. XL. their first *Alfonso* had this attribute, both for his great performance against the *Moores*, and his singular love to unity of Religion. He is commonly called *Alfonsus Catholicus*. And since him, divers others of his successors in *Castile*, used it, as[i] *Gregorio Lopez* remembers out of the records of that Kingdom. He says, that King *Ordonno* the first (about DCCC. XXX. after Christ) used it in an instrument of indowment to the Church of *Oviedo*, as also King *Sancho* the Gross (about DCCCC. XXX.) in a charter of Privilege to the Monastery of *Samos* in *Gallicia*: and *Al-*

h Videsis *Gregor. Mag. lib. Epist.* 127. & 128.

i *Excellentias del Reyno de Espanna cap.* 12.

fonſo the VI. is called *Catholicus Rex* in a *Spaniſh* Councel [k] held under him. And long before him *Alfonſo* [l] ſurnamed *Caſto*. And *Sampiro* Biſhop of *Aſtorga* a very antient Writer of *Spain*, calls *Ramires* the III. only *Rex Catholicus*. So *Alfonſo* VIII. is titled in an inſcription that *Lopez* ſaith remains in the Monaſtery of *Sahagun*. Other ſuch [m] examples are. But howſoever ſuch a uſe of it was ſometimes had in the expreſſion of the Kings of *Spain* (the word being of it ſelf ſuch as denotes every good Chriſtian) others ſay it was not ſetled for a peculiar attribute to them until the time of *Ferdinand* the V. Being King of *Arragon* and *Caſtile*, about the year M. D. Some write that he had it ſo annext to his Crown by Pope *Alexander* the VI. So *Mariana* and *Zurita*, ſo *Diego de Valdez* deliver. *Ab Alexandro Pontifice*, ſaith [n] *Mariana*, *Ferdinandus* CATHOLICI *cognomentum accepit in poſteros cum regno transfuſum ſtabili poſſeſſione. Honorum titulos Principibus dividere Pontificibus Romanis datur:* and in another place, Catholici *cognomen quod* Recaredo *olim Regi, quo tempore univerſam Gothorum gentem, repudiatis Arrii opinionibus, in Catholicæ Eccleſiæ caſtra revocavit, in Toletano Epiſcoporum conventu acclamatum, intermiſſis multis ætatibus* Alexander *eo nomine* VI. Pont. Max. *in* Ferdinando *Aragone Hiſpaniæ Rege inſtauravit effecitq; ut conſequentibus regibus proprium hæreditariúmq; eſſet:* and he ſays alſo, that before this time the Kings of *Caſtile* were called *Illuſtres* uſually in the Popes letters, but from this time they have been ſaluted from him by the Title of *Catholick*. But this which *Mariana* attributes to Pope *Alexander* the VI. Cardinal *Baronius* referrs to one of his Succeſſors *Julius* the II. who was Pope alſo while *Ferdinand* was King. But *Baronius*, I think, was much deceiv'd. For in a Bull of Pope *Alexander* of the year c I ɔ CD. XCVII. which was near ſeven years before *Julius* was Pope, *Ferdinand* and *Iſabel* are called *Rex & Regina Hiſpaniarum* * *Catholici*. The Bull is that of Diſpenſation for the marriage of Prince *Arthur* ſon to our *Henry* the VII. with the Lady *Katharine* (afterward Queen *Katharine*) by reaſon of their minority, being not yet of the years of conſent to a marriage. The Original is with Sr. *Robert Cotton*. Of this matter among the *Spaniſh* Writers (beſides their Hiſtories) ſee eſpecially, *Gregorio Lopez* in his *Excellencia del Reyno de Eſpanna*, and *Diego de Valdez de Dignitate Regum Hiſpaniæ*. Neither is this title much uſed in the ſtile of the firſt perſon of the King of *Spain*, but in the ſecond and third moſt frequently.

k *Concil Hiſpan. fol.* 145.
l *Prudentio de Sandoval. pag.* 165.
m *Valdeſ. de Dignit. Reg. Hiſp. cap.* 13. §. 21.
n *De Reb. Hiſp. lib.* 26. *cap.* 12. *& lib.* 7. *cap.* 4. *Zurita annal. Aragon. lib.* 2. *cap.* 4. *& videſis Garibay lib.* 6. *cap.* 6.
* See alſo that *Catholici Reges* denotes them eſpecially, in that Bull of *Alexander* the VI. which gave them new found Lands. *Laert. Cherubin. de Nurſia Bullar. tom.* 1. *pag.* 392.

VI. As thoſe before related are now particular attributes of Honour, in the ſtiles of theſe great Kings of the Weſtern parts, ſo in the later times of the Eaſtern Empire, that great Title of *Porphyrogennetus* was almoſt in like uſe among them at *Conſtantinople*. For although there be one of the Eaſtern Emperors more known by the ſpecial name of *Conſtantine Porphyrogennetus* (that is, he whoſe admonitions of State, Conſtitutions, and *Themata* are yet extant and publiſh'd) yet plainly that was not a name peculiar to himſelf in particular. For he himſelf calls other [o] of the Eaſtern Emperors *Porphyrogeniti*. And the Emperor *Baſilius* his Novels are yet extant, bearing before them the ſame name. So *Emanuel Comnenus* in his inſcription to the Weſtern Emperor *Conrad* III. uſes it. And, in the *Bodleian* Library at *Oxford*, the *Ms.* of *John Camaterus* his Aſtrology, written ſome L. years ſince by a *Cretan* Scribe in *Paris*, hath this inſcription; Ἰωάννου τοῦ Καματήρου, τὸ ὅτι τοῦ Καππαδόκου, καὶ τῆς Οὐρανίας ἧς ἀστέρων διαθέσεως, ἐν

o *De adminiſtrando Rom. Imp. cap.* 45.

συνιόψ διὰ σίχων Ἰαμβικῶν τὸς ☩ Βασίλεια ☩ ΠΟΡΦΥΡΟΓΕΝΝΗΤΟΝ, φησίμενον: where he calls *Emanuel Comnenus* the Emperor *Porphyrogennetes* only, as if he had conceiv'd this Title to be alone so full, that no other name were requisite to express the Emperor. But withal it must not be taken as if it had been solely proper to the Emperors. For divers Princes of the Imperial blood had it also. *John Palæologus*, Nephew to *Andronicus* (the first Emperor of that Name and Family) is called the [o] son of *Porphyrogennetes*. So *Constantius*, son of *Constantine Ducas*, is called by it in the Lady *Anna Comnena* her *Alexias*. And this Lady *Anne* being daughter to *Alexius Comnenus* the Emperor, is also, in the Title of her Book, stiled *Anna Porphyrogennetes*. And *Thomas*, brother to their last Emperor *Constantin* surnamed *Dragasis*, in a confirmation [p] of a sale of Lands, subscribes himself with it. Other examples occurr in *George Phranzes*, and the rest of that Nation. But in the reason and ground of this name, very learned men have been much deceived, though it be in truth most plain that it is deduced originally from a Palace, built (as [q] some say, by *Constantine* the Great) chiefly to this end, that there the Empresses should be delivered and keep the solemnities of child-birth. The Lady *Anne* whom I remember'd, clearly justifies it. She speaking of *Robert Guiscards* death (he is always call'd in her story, *Rompert*) and her Fathers Triumph, wherein he return'd to *Constantinople*, says, that there he found *Irene* the Empress, her Mother in travel, in a house antiently appointed for the Empresses child-birth: Πορφύραν τοῦτο (οἴκημα) ἀνέκαθεν (saith [r] she) ὀνομάζειν, ἐξ ἧς καὶ τὸ τῆς Πορφυρογεννήτου ὄνομα εἰς τὴν Οἰκουμένην διέδραμε, that is, *They call that house, from antient time*, Porphyra, *whence the name of the* Porphyrogeniti [s] *came into the World*. With her herein expressly agree *Constantin Manasses*, and *Luitprand*; and a place in *Anastasius* touching *Constantin* VII. depriv'd of his eyes by his ambitious mother *Irene*. *Incluserunt eum* (are the words) *in domo Purpureâ, in qua & natus est*. Hereto I doubt not but a special allusion is in that of *John* Bishop of [t] *Euchaita*, writing in a courtly form of flattery, to *Zoe*, Empress and wife to *Constantin Monomachus* about cIↃ L. of Christ.

Τῆς διγενείας λείψανον, τῆς ΠΟΡΦΥΡΑΣ
Κάλλιστον ἄνθος, χρῶμα τῆς Ἀλκυονίδος.

and so, *Anna Comnena* calls her self πορφύρας πθάνημά τε καὶ γέννημα· for she was born in that Palace. Briefly, ὁ Πορφυρογενήτης, or ὁ ἐν πορφύρᾳ γενήθεις, *in Purpura natus*, i.e. *born in the place called Porphyra*, are all one, and assum'd by such as were there born. Neither is any question to be made of this reason of the name, although *Pontanus* (who for the Oriental story hath well deserved) still leaves it as a doubt; not understanding *Nicetus* [u] *Choniates*, where he speaks of the Empresses being near her time of delivery, and adds, that ὠκονομήθη μὲν ἡ Πορφύρα καὶ ἡυθετίσθη πρὸς τὴν ὑποδοχὴν τῆς γενέσεως, i. e. *The Palace* Porphyra *was prepared to receive the Birth*. But *Pontanus* turns *Porphyra* by *Purpura*, as if it were for Purple cloth; in such a sense as it is in that of [x] *Claudian*,

——*sic natus in Ostro*
Parvus Honoriades genibus consîdat avitis.

which

o *Curopalat. de Offic. Constant.*

p *Turco-Græc. lib. 4. Ep. 59.*

q *Luitprand. Hist. 1. cap. 2.*

r *Alexiados l. 6.*

s Latinè *in Porphyra geniti.*

t *Jo. Euchaitens. in Hypomneum. πρὸς Δεσπότας.*

u *Hist. 5. Emmanuel. 6.* Pontanus verò *ad Phranz. l. 1. c. 6* de hac re dubitat, & Vulcanius ad Themata *Constantini* quod miror. Diù verò est cum doctissimus *Guiacius* rem doctè tetigerit, *Observ. 6. cap. 9.*

x *De Nupt. Honorii & Mariæ.*

which I the rather cite, becauſe the reaſon perhaps of the impoſition of that name on the Palace may be had out of it. For if the Emperors iſſues at the birth were receiv'd and wrapp'd in Purple cloth(as it ſeems they were; and children of others in other colours) it might be proper enough to give the name of that ſpecial colour, wherein at the firſt inſtance of their infancy, they were received, to the place appointed only for that receipt: And in the Preface to *Camaternus* his Aſtrology, we read alſo

Ἀναξ μέγιστε Πορφυρόβλαστε κλαῦδι.

Where in a like ſenſe, as in the other teſtimonies, a compound is made of *Porphyra*.

So the Prince, Duke, or Emperor of *Moſcovy*, hath been, they ſay, of late time call'd the *White King*, or *White Prince*: and that from the white Robes which he uſes, as *Sigiſmund* a Gry Heer of the Empire, being Embaſſador thither from the Emperor *Maximilian* the II. conjectures. *Sunt*, ſaith he, *qui Principem Moſcoviæ* Album Regem *nuncupant. Ego quidem cauſam diligenter Quærebam, cur* Regis Albi *nomine appellaretur cum nemo Principum Moſcoviæ eo titulo antea eſſet uſus* (the Emperor he means was *Baſilius Ivanwich*) *imò conſiliariis ipſis ſæpe data occaſione, & aptè dixi nos non* Regem *ſed* Magnum Ducem *agnoſcere; pleriq; autem hanc Regii nominis rationem eſſe putabant quod ſub Imperio ſuo Reges haberet.* Albi *verò rationem nullam habebant credo, &c. Credo autem* (ſaith *Sigiſmund*) *ut Perſam nunc propter rubea tegumenta capitis* Kiſſilpaſſà, *id eſt*, rubeum caput *vocant: ita illos propter alba tegumenta*, Albos *appellari.* But I remember *Moſcovy* is called *White*, *Ruſſia Alba*, and *Poland* Black *Ruſſia*: and perhaps therein may be the cauſe of the name. But *Gaguin* gives the reaſon, *quod incolæ omnium Regionum ipſius imperio ſubjectarum, veſtibus albis & pileis plerunque utantur.* And hitherto of thoſe Accidental and ſingular Attributes which are in uſe among the ſupreme Princes of *Europe*.

CHAP.

CHAP. VI.

I. Prester John, *or* Precious John, *attributed to the Emperor of* Æthiopia, *or of the* Abyssins. *The Title of* Padischa Prestigiani *in some old Kings or* Chams, *of the Territory of* Cathay.

II. Chan (*that is*, Lord, *or* Prince) *in the Eastern parts, which we commonly call* Cham.

III. *The Title of* Chaliph *in the Princes of the* Mahumedans *Empires.*

IV. Bench *or* Beg, Scriph *or* Xariffe, Sultan, Μέγας Ἀρσλὴς, Mully, Sid, Amir, Amirelmumunin *and* Padeschah Musulmin *among the* Mahumedans.

V. Sophi *attributed to the Persian Emperor.*

VI. Scha, Schaugh *or* Xa, *and* Mirza *in the Eastern States.* Σαὰ *in some* Greek *Writers.*

VII. Schahana, *with the Titles of* Augusta, Sanctissima Domina nostra, &c. *given to* Empresses. *And the Original of the* English *name of* Queen; *with that Law of the* West-Saxons, *which denied the Kings wives here the name of* Queens.

OUT of *Europe* we come into *Africk* and *Asia*, where also, the *Grand Signior*, notwithstanding his Court and Residence at *Constantinople*, is fittest to be placed. But in the delivery of the singular attributes of Honour which occur in these parts, we shall also necessarily fall upon such as for their significancy might be general to all supreme Princes, although use and application of them in *Europe*, hath made them denote speciall Princes of this or that kind in the *Mahumedan* States; as *Chan*, *Padischah*, *Sultan*, *Amir*, *Xa* or *Shaugh*, and the like: which are by interpretation but as *Prince*, *Lord*, *King*, or such like, and yet in ordinary use design only such Princes as are of those parts of *Asia or Africk.*

I. Of these singular attributes of Supreme Honour used in those Countries, that of *Prester John* applied to the *Negush* or great Emperor of the *Æthiopians* or *Abyssins*, hath the first place, both for the eminency of his name, and for that he is the chief Christian Prince of them. He is usually called (besides his proper name) in *Europe*, *Presbyter Johannes*, as if his name were the same in *English* as *Priest John*: and so was the inscription of the Letters sent to him from the antient Kings of *Naples*, as *Scipione Mazzella* noteth. The Stile, saith he, used, *Al Prete Juani d'India* (for so also he calls him) was *Eminentissimo & Invictissimo Monarchæ Domino Isach*, Presbytero Joanni, *filio David*, *Domino tabularum montis Synai*, *Æthiopiæque Regis Regum*, *fratri nostro carissimo.* And *Abassenorum Rex* (saith *Andrew* [a] *Alpag*) *est Alexander*, *dictus Pretejane*, which is in *Italian* the same as *Prestre John* in *French*; and *Postellus* calls him *Prestojanus*, and *Elias* [c] *Levita* פרשי יואן or *Preti Juan.* But if we believe the testimony of *Zaga Zabo* an *Æthiopian* Embassador to the last *Emanuel* King of *Portugal*, the names of *Prester John* and *Pretejane*, and the like, are corrupted from

a *Indice ver. Arabic. Avicennæ subjuncto verb.* Alhabes.

b *De Orbis concordia, lib.* 3. *pag.* 336.

c *In Masoreth Hammasoreth Præfat.* 3.

גין בלל [d] from *Precious Gian.* For his *Ethiopick* thus epreſſed it. [d] ג׳ן בלל i.e. *Gian Belul, quod ſonat* (ſaith the tranſlation publiſhed by *Damian à Goes*) Ioannes Belul, hoc eſt *Johannes precioſus, ſive altus; Et in Chaldaica lingua,* Joannes Encoe *: id, ſi interpreteris, etiam* Joannis precioſi *ſive* alti *ſignificatum habet.* So that *Gian Belul,* this way, is a name added to the Emperor as a ſpecial attribute of honor beſide his proper name, out of their true *Æthiopian* tongue, which they uſe in common ſpeech, not that which is ſpoken and written in their Liturgies or holy Exerciſes, and known among them by the name of

געז [e] *Chaldè,* but, more ſpecially called [e] *Giaein,* i.e. Liberty, *quod nimirum* (as the noble *Scaliger* yields the reaſon) *eâ ſolâ uterentur Arabes illi victores, qui Æthiopiam inſiderunt.* For he moſt learnedly (as in all things elſe) derives them thither from the *Abaſens* or *Abaſſins* in *Arabia,* whence *Sept. Severus* had his denomination of *Arabicus,* as in one of his [f] Coins appears, inſcribed with ABAΣHNΩN, of whom mention is made by [g] *Uranius,* an old Author of *Arabick* affairs; placing them in *Arabia fœlix,* which perhaps ſalves their deriving themſelves from *Melech* ſon to *Salomon* (as they fable) by [h] *Maqueda* the Queen of the South. For, where *Saba* is, there were thoſe *Abaſſenes,* whence the *Latins* have their *Sabæi* and *Tura Sabæa.* But *Zaga Zabo* tells us that their Prince is not properly ſtiled *Emperor of the Abaſſins,* but of the *Æthiopians.* The *Arabians* call them [i] *Elhabaſen* from the ſame reaſon, as we *Abaſſins*; but they are known to themſeves only by the name of *Ithiopiawians,* or *Æthiopians.* Of this *Belul Gian,* is made that name *Beldigian,* by which, *Lues de Uretta* a *Spaniſh* Friar ſays, they call their Emperor. And *Bodin* notes that his name [k] is *Jochabellul,* that is, *gemma pretioſa,* as he ſays. So alſo *Joannes Cotovicus,* [l] that his name is *Belulgiam* (meaning the ſame ſyllables, it ſeems, which *Zaga Zabo* gives us) *quod incomparabilis,* ſaith he, *præſtantiæ immenſique pretii gemmam ſignificat.* But others endure not that of *Zaga Zabo,* and conceive that what he delivered to this purpoſe was only, to offer at a reaſon of the name of *Preſter John* given among us in *Europe* to his King that ſent him: and that there is no ſuch name belonging to this Emperor of the *Abaſſins,* otherwiſe than by our miſapplication of it, which proceeded from attributing that to him which indeed was antiently known to be given, by our Travellers, to another Prince in the Eaſtern parts whoſe Religion was ſomewhat like this *Preſter John*'s. For, in the travels of ſuch as firſt diſcovered to any purpoſe thoſe Eaſtern States (as they were of later time) mention [m] is made of one *Uncham* or *Unchan* a great Monarch in thoſe parts, and him they call *Presbyter Joannes. Non quod is Sacerdos eſſet* (as the words of *Nicolaus* * *Godignus* are) *ſed quia Archiepiſcopi Primatis more, quando pacificis rebus prodibat in publicum, unum habebat in Comitatu qui erectam crucem præferret:* and when he marcht with his Army he had always two croſſes carried before him. And they write that one *Cinchis* who pretended himſelf begotten on a poor Widow by the Sun-beams, as a choſen King among the *Tartars* rebelling againſt this *Uncham,* overcame him; and, that in this *Uncham* the name of *Preſter John* ended. This relation is of about the year cIↃ. C. XC. and hath made the Readers confound the corrupted names of both Princes, although there were ſo great diſtance between them that the one could hardly be derived from, or have any Relation to the other. And ſome Travellers [n] into thoſe parts have expreſly deliver'd them both as one.

But

f *Hub. Goltz. Theſ. pag. 129.*
g *Ap. Stephan. περὶ πολ. in Ἀβαγρὸς.*
h *Zaga Zabo ap. Damian. à Goes.*
i Terra Hhabas, Æthiopia *Benjamin. Tudelenſ. Itinerar. pag. 101.* & *Alpag. in Ind. Arab. Avicen. ſubnexo verb.* Alhabes.
k *De Rep. lib. 1 cap 9. in marg.*
l *Itinerar. Hieroſolym. pag. 209.*
m *Pol. Venet. l. 1. cap. 51.* & *ſeq. Joh. de Plano Carpini. cap. 5.* & *Will. de Rubruquis Itinerar.*
* *Nicolaus Godignus de Abyſſinorum reb. lib. 1. cap. 5.*
n *Aloyſ Cadamuſt. Navigat. cap. 60.* & *Lud. Vartomann. Navigat. 2. cap. 15. vide, ſi placet, Gerardi Mercatoris Geographiam.*

But the most learned *Scaliger* teaches, that, the *Asiatique Uncham* and his Predecessours were called پرستجاری *Prestigiani*, that is, in *Parsian*, *Apostolique*, and so had the name of *Padeschà Prestigiani*, i. e. *Apostolique King*, because of his Religion (being a *Nestorian*) which in *Æthiopique-Chaldee* must be exprest by *Negush Chawariaw*. Divers other conjectures are upon the name of *Prestor John* given to the Emperour of the *Abassins* in *Luys de Uretta* his *Æthiopique* History; but all to no purpose. But I wonder how *Munster* was so much herein deceived, that he supposes the *Hebrew* Epistle Printed at the end of his Cosmography, beginning אני פרישטי יראן i. e. *Ego Pristi ivan*, to have been sent from the *Ethiopian* Emperour; especially seeing he took notice of both the *Asiatique* and *African* Princes name of *Presbyter Joannes*. The affirming in it, that *Thomas* the Apostle was buried in his Country, makes it plain enough that it came from the Eastern Parts, if at least it were not counterfeited. The Title also is much differing from that which the Emperour of the *Abassins* uses, an example whereof anon follows. But for the Emperours of the *Abbassines* or those *Æthiopian* Kings and the variety of their Names or Titles of Honour. I adde this out of a little Annal, of those Kings, from the Flood till the Age of our Fathers, Printed at *Rome* 1552. wherein also the reason of the name of *Belulgian* is delivered. *Æthiopes Regem suum, quem nos vulgò* Prete Gianni *corruptè dicimus, quatuor appellant nominibus, quorum primum est* Belul Gian, *hoc est* lapis precious, atque perfectus. *Ductum est autem hoc nomen ab annulo* Salomonis, *quem ille filio ex Regina* Saba, *ut putant, genito, dono dedisse, quove omnes postea Reges, veluti* Davidicæ *familiæ hæreditario insigni, usos fuisse describitur. Deinde cum in sede* David *quam à* Salomone *identidem habuisse aiunt, electum collocant Regem* [&] Haze *nominant, hoc est* electum seu sponsum. *Cum verò eum coronant, appellant* Neghuz. *Postremo cum vertice capitis in Coronæ modum abraso, ungitur à Patriarcha, vocant* Masih, *hoc est* unctum. *Hæc autem Regiæ dignitatis Nomina, omnibus communia sunt. Proprium verò cujusque nomen cum aliqua rerum aut personarum significatione semper impositum duplex est; unum quod à parentibus Nativitatis, alterum quod Baptismi tempore imponitur.*

p *Damian à Goes.* & videsis *Lud. de Uretta Hist. Æthiop. lib.* 2.

II. But for that name of *Cham*, or rather *Chan* in the *Tartarian* Empire; it signifies *Lord* or *Prince*, both there in all or most of the *Asiatique* States. And that *Cinchis* or *Cangius*, *Cingis* or *Tzingis* (for all those several names denote him) was called *Cinchis Cham*, his Son and Successour *Hoccota Cham*, or rather *Chahan* or *Chan*; and so also his Successours were titled *Chans*, although *Matthew a Mickow* a q *Polonian*, which seemed to have much knowledge in that his neighbouring Country, long since delivered that *Imperator eorum (Tartarorum)* Ir Tli Kî *lingua ipsorum, hoc est*, liber homo *dicitur. Dicitur &* Ulu Cham *quod sonat Magnus Dominus, sive Magnus Imperator.* Ulu *n. magnus*, Cham *vero Dominus & Imperator est. Eundem aliqui magnum* r Canem, *dixerunt* (meaning that they took *Canis* for a *Dog*) *& male interpretati sunt, quia* Ulu Cham *non significat magnum Canem:* Cham *etenim cum aspiratione Dominum & Imperatorem:* Et Cam, *sine aspiratione, cruorem & nunquam canem sermone Tartarorum designat.* But certainly it is *Chan* not *Cham*, which is their Title for *Lord*. For also the Translation of s *Haithon* the *Armenian* out of the French into Latine by *Salconi*, A. clo. CCC. VII. hath usually *Chan* in that sense, not *Cham*; and *Chanoglan*, with them, is *the Son of the Prince* or *Lord*. Yet in *Chambalu*,

q *De Sarmat. Asian. l.* 1. *c.* 8.

r Imperator *Canis* dictus est, ubiq; Odorico in Itinerario, & *J. de Plano Carpini.*

s *Haithon Arm.* floruit Monachus sub *A.* 1290. *Curchinus item dictus, & Antonius.*

that is, the Court of the *Tartar*, the *n* is well permitted, becauſe of pronunciation. The *Turks* alſo call that *Tartarian* Emperour *Ulu Chan* in the ſame ſignification, as *Matthew à Michow* would have it in *Cham*. Neither do their *Grand Seigniors* abſtain from this title of *Chan*. *Amurad* or *Morad* III. uſed it ordinarily thus: *Sultan Murad* Chan *bin Sultan Selim* Chan *elmuzafer daima*, i. e. Lord *Murath Prince*, *Son to* Lord *Selim Prince*, *always victorious*. In which, as [t] *Leunclaw* notes, there is an agreement of their *always victorious*, with the *Europæan ſemper Auguſtus*, *ſemper Invictus*. And in their *Ottomanique* Line, there is one *Carachan* Son of *Cutlugeck*, which had hence, that laſt part of his name. And in thoſe great [u] irruptions of the *Tartars*, about the beginning of the *Ottomanique* Empire, the names of great Princes occurr with this addition; as *Tartar Chan*, *Theſyr Chan*, *Chuis Chan*, and ſuch more. But amongſt them divers are miſ-printed with *Than* for *Chan*. So *Rabbi Zacouth* in his Hiſtory of the *Caliphs*, hath *John Unad Chan*, *Morad Chan*, *Temur Chan*, *Altun Chan*, and ſuch more, for Princes of *Aſia*. And this Title in that ſenſe, is very frequent in the Stories of the later Ages, which are written of that part of the World, as we ſee in the *Muſulmanique* Hiſtory, the *Perſian* Story of *Mirkond*, the deſcription of *Tartary* by *Martinus Broniovius*, and divers ſuch more. Many names alſo corrupted in good Authours, have part of their original from this *Chan*. *Conſtantine* [x] *Porphyrogennetus* ſpeaking of ſome *Turks*, which antiently planted themſelves in the Eaſtern part of *Europe*, ſays, that they had over them, as Judges, two Princes called *Gylas* and *Carchan*. But, ſaith he, *Gylas* and *Carchan* are not Ονόματα κύρια, ἀλλα ἀξιώματα, that is, not proper Names, but Dignities. What *Gylas* is, I confeſs, I have not yet learned, but my Authour affirms that it is μεῖζον τὸ Καρχᾶ, i. e. *greater than Carchan*. *Gula*, ſaith *Leunclavius*, ſignifies in *Turkiſh* a Tower, whence the later *Greeks* have Γύλαι in the ſame ſenſe. This *Carchan* or *Carachan* (which may ſignifie *Black Lord* or *Prince* in *Turkiſh* or *Perſian*) may perhaps be the ſame which is *Cardarigan* in other Stories of *Europe*. For the Weſtern Idioms frequently make greater changes in pronuntiation of the ſame words. And there are ſome attributes of Princes in the [y] *Perſian* ſtory that ſo diſtinguiſhed them by colours, as *Karakuyonlu*, that is, *Black Sheep*, *Kara Iſſuff*, *Kara Mahumed*, and the like. As alſo they had a Royal Family called *Akuyonlu* or *White Rams*; perhaps both thoſe names coming originally from ſome Territories, which I know they called ſo. *Ac-baſſa* alſo occurrs among the *Turks* for the white *Lord* or *Captain*, and *Ac-Temur*, which ſignifies a *White* or *bright Sword*, for one of the Princes of the Blood; ſo *Cara-Denbet-Schah*, that is, the *Black fortunate Prince*, and *Cara-Oglan* or *the white Son*. *Cardarigas* (ſaith *Landulphus Sagax*) *non eſt nomen Proprium*, *ſed Dignitas maxima apud Perſas*, ſpeaking of the ſelf ſame, which *Theophylact Simocatta* (he lived under *Heraclius* A. DC. XXX) names Καρδαριγάν *Cardarigan*: Παρθικὸν τοῦτο ἀξίωμα (ſaith [z] he) φίλον τῇ πέρσαις ἐκ τῶν ἀξιωμάτων σεμνοποιεῖσθαι ἀπερ ἀπαξιόντων τὰς ἐκ τῆς γενέσεως Ὀνομασίας ὑπερέχειν. i. e. *This is a Dignity of the Parthians* (he confounds here *Parthians* and *Perſians* together) *And the Perſians love to be called by their Dignities*, *in ſome ſort diſdaining the names impoſed on them at their Births*. He uſes *Cardarigan* in the firſt caſe, which is nearer *Charcan*, and perhaps unfitly turned into *Chardarigas* by this Tranſlator. This of *Chan* alſo, we have in that official Dignity of *Chanaranges*, remembred in [a] *Procopius*. And the *Armenian* that was in the *Roman* Camp under *Narſes*, *Juſtinian*'s Lieutenant,

t *Pandect. Turcic. cap.* 3.

u *Epiſt. Petr. Arch. Ruſſiæ* ap. Matth. Paris *pag.* 875.

x *De Adminiſt. Rom. Imper. cap.* 40.

y *Mirkond chez l'Autheur de les Eſtats, Empires &c. pag.* 2008. & 2010.

z *Maurician. hiſt a. cap.* 9.

a *De bello Perſico.*

tenant, called [b] χαναράγγης *Chanaranges*, might perhaps have had that name only according to *Simocatta*'s relation of the *Persian* custom. And what is *Zamergan* Ζαμιργὰν or Ζαβεργὰν that greatest Prince of the *Huns* in *Justinian*'s time, but *Zamer* or *Zaber Chan?* Plainly *Chaganus* or *Chajanus* occurring in *Simocatta*, *Landulphus Sagax*, *Cedren*, *Callistus*, and others, denote the same as *Chan*. And in the same sence is خاقان *Chachan* in the [c] *Arabian* Geographer. So is that *Princeps Hunnorum Capcanus* in the life of *Charles* the Great written by a Monk of *Engolesme*. But I wonder at that in Frier *William de Rubruiquis*, where he saith, *Can nomen dignitatis, quod idem est qui* Divinator. *Omnes* Divinatores *vocant* Can. *Unde Principes dicuntur* Can *quia penes eos spectat regimen populi per Divinationem.* Unless we should read *Dominatores & Dominationem*, clearly he was deceived. He travelled in those Parts *A. Chr.* cIↃ. CC. LIII. But questionless, *Cedren* well knew the signification of *Chan*, in writing, that the Emperour *Theophilus* [d] πρεσβείαν ἐπέξατο τῷ χαγάνι χαζαείας, i. e. received an Embassage from the *Chagan* or *Chan* of *Chazaria*. This *Chazaria* or *Gazaria*, is that which the Antients call *Taurica Chersonesus*, almost in-isled by the Seas *Delle Zabache* and *Maggiore*. For the *Asiatique Sarmatians* or *Scythians*, which [e] antiently under *Justinian* planted themselves about the River *Donaw*, and in this *Chersonesse*, called their Prince, as, in their own Country language, a *King* or *Lord* was to be stiled. And *Chersonesus Taurica hodiéq;* (saith *Leunclaw*) *habet suos Chahanes.* So in *Menander* (as [f] he is published in Latine) we read, *Bajanus Abarorum Caganus*, that is, *Bajanus the Prince* or *King* of the *Abari*.

But those antient *Tartars* and the Northern *Scythians* by them in that large Tract from the East of *Asia*, even to the River *Don* or *Tanais*, had long before the *Tartarian* Empire of *Tzingis*, their Emperours honoured with that Title of *Ulu Chan* or great *Lord*; which perhaps is but corrupted in him they call *Vmchan*. For above cIↃ. years since, one of a most large Territory in those Parts, thus inscribes his Letters to *Maurice* the *Roman* Emperour. ΤΩ͂Ι ΒΑΣΙΛΕ͂Ι. ΤΩ͂Ν ΡΩΜΑ΄ΙΩΝ. Ὁ. ΧΑΓΑ͂ΝΟΣ. Ὁ. ΜΕΓΑΣ. ΔΕΣΠΟ΄ΤΗΣ. ΕΠΤΑ΄. ΓΕΝΩ͂Ν. ΚΑΙ΄. ΚΥ΄ΡΙΟΣ. ΚΑΙΜΑ΄ΤΩΝ. ΤΗ͂Σ. ΟΙΚΟΥΜΕ΄ΝΗΣ. ΕΠΤΑ΄. that is, *To the Emperour of the Romans the* Ulu Chan (or great Chan) *Lord of seven Nations, and Ruler of the seven Climats of the World.* So *Theophylact Symocatta* [g] expresses it in Greek, but by all likelihood the original (that is the *Tartarian*) called him, as they do now the Emperour there, *Ulu Chan*. In the *Scaligeran* Family or *De la Scala*, derived from the house of *Verona* (being by original *Gotthique*) one of the Line is called *Canis*, which one of them saies, had its beginning from [h] this word used in the *Slavonique* tongue. But it seems it is commonly taken as if it were *Canis*, in the same notion as in Latine it signifies a *Dog*. In the great *Chan*'s Seale (as Frier *John de Plano Carpini*, that was sent Embassadour into those Parts by Pope *Innocent* IV. in cIↃ. CC. XLVI. affirms) the Inscription was thus, interpreted into Latine. *Deus in Cœlo & Cuyne Cham super Terram; Dei Fortitudo. Omnium Hominum Imperatoris sigillum.* And his [i] Title was usually *Dei Fortitudo, omnium hominum Imperator.*

III. Divers of the Titles used in the Northern *Asrique* and *Turkie*, are the same; the Princes of both Parts, being either out of one Root and Nation, or, at least so deriving themselves. From the beginning of the *Mahumedan* Empire in *Bagded* and *Damascus*, *Mahumed*'s Succes-

b *Agathias hist. Tom. 2. & 5.*

c *Nubiensi part. 9. Climat 6.*

d *Georg. Cedren. pag. 433.*

e *Simocat. Mauric. hist 7. cap. 8. & Agathias lib. 5.*

f *In Excerpt. de Legation. edit. a Carol. Cantoclaro, pag. 259.*

g *Hist 7. cap. 7.*

h *Jos. Scalig. de vita Julii, in Epist. ad Jan. Douzam.*

i *Ap. Vincent. in Specul. lib. 32. cap. 28.* Voyez *les Estats &c. du Monde pag. 844. Ubi pro* Cyine Cham *legitur* Chuichuch Cham & videsis *Antonin. hist. part. 3. tit. 19. cap. 5.*

fours had the Title of *Chaliph*, that is, خليفة or خليف So alſo upon the diviſion of that *Arabian* Empire into *Chaldea*, *Ægypt*, and other Parts, the name of *Chaliph* was retained as the chief Title of them, which pretended themſelves ſupreme, no otherwiſe than as the name of Emperour, by thoſe which were of the Eaſt and Weſt after the diviſion of the *Roman* Empire. This of *Caliph* occurrs frequently in the *Saracenical* or *Mahumedan* Stories, and alſo in the old Writers of the holy War, which the *Chriſtians* had with the *Mahumedans* for recovery of the holy Land. But the meaning of this of *Caliph* is, out of its Interpretation, *Succeſſour* or *Vicar*, and denotes the *Vicar* or *Succeſſour* of *Mahumed*, although *Magiſer* in his *Turcico-Latine* Dictionary, turns it *Princeps*. *Calipha* (ſaith the [k] great *Scaliger*) *eſt Vicarius, & ita vocari Vicarios Præfecti Prætorii nihil impediret, ſi quidem Arabicè appellandi eſſent. Sed quum* Naib *idem ſit quod* Chalipha, *tamen Pontifices ſoli dicti ſunt* Caliphæ, *Legati autem & vice Principum Provincias regentes vocantur* Naibin, *ut* Naib Eſſam, *Legatus Syriæ*. And, *hoc nomine* (ſaith *Benjamin Ben-Jona*, who, during the Chaliphat at *Bagded*, was there) *cæteris omnibus Iſmaelitis Regibus* (ſo *Arias* tranſlates him) *ſuſpiciendus venerabiliſq; habetur: Præeſt n. omnibus illis ut ſummus quidam omnium Pontifex*. Whence one reaſon is that ſometimes *Calipha* in old Writers is interpreted by *Papa*, the ſame relation being to our *Saviour* or *Peter* in the pretence of the Popes ſucceſſion, as there is in the *Chaliphat* to *Mahumed*; and the ſupreme Princes of the divided *Chaliphats* (like the old Emperours of *Rome*) ſuppoſing themſelves to be *Pontifices Maximi*, or chief *Prieſts* in this ſucceſſion, as well as ſupreme Emperours. That of *Papa* for the *Chaliphs* occurrs in *Rodericus Toletanus*, *Matthew Paris*, *Robertus Monachus* his Hiſtory of *Hieruſalem*, and others. And therefore alſo *De Jonville* [l] an old *French* Writer, calls the *Chaliph* of *Bagded*, *l'Apoſtle des Sarazins*; the name of *l'Apoſtle* being often in the elder times applied to the Pope. The name then, as it ſignified Succeſſour, and had reference to *Mahumed*, was proper to every Emperour, which pretended himſelf the lawful Succeſſour of that Impoſtor. But withall it was communicated, it ſeems, to Subjects, that were of the inferiour ſort of *Mahumed*'s Prieſts. For in the Emperour *Cantacuzen*'s Orations againſt the *Alcoran*, he ſpeaks of one of their Doctours, which being dead, was found with a Crucifix about him, by reaſon whereof the *Mahumedans* would not bury him where they uſed to lay τῶν χαλιφάδων, that is, *their Caliphs*, and ſaies that the Doctour was χαλιφᾶς τὴν ἀξίωμα, i. e. *a Chaliph by dignity*, which I interpret a great *Prieſt* or *Mahumedan Vicar*. But perhaps *Cantacuzen* meant the *Caliph* of the *Ægyptian* State, under the *Mameluchs* (for that was in his time) who indeed ſhould by right have had the *Sultan*'s place, but, at the inauguration of a new *Sultan*, the *Chaliphs* there uſed, for faſhions ſake, to make a ſolemn and imaginary ſale or reſignation of the *Chaliphat* (that is the true right of being Emperour) to that *Sultan*, who, of the *Mameluchs*, or by their authority, was to ſucceed. By [m] *Peter Martyr* its thus expreſt: *A ſummo eorum Pontifice Mammetes confirmatur. Habent n. & ipſi ſummum Pontificem, ad quem hujus Imperii machina, ſi Ægyptii homines eſſent, pertineret* (for the *Mameluchs* were originally Chriſtians Apoſtates; firſt taken up as the *Janizaries*.) *Jus ſuum, ut cæteri conſuevere, Mammeti Cairi Regiam tenenti,* [n] *trium millium auri drachmarum pretio Pontifex vendidit. Is* Califfas *dicitur. E tribunali,* Soldano *ſtanti pedibus, vitæ neciſq; liberam poteſtatem præſtat. Ipſe deſcendit, ſeipſum ſpoliat, Soldanum*

k *Canon. Iſagog. lib.* 3.

l *Chronique de S. Loys chap.* 74.

m *Legat. Babylonicæ lib.* 3.

n 160 Pounds in our mony.

num Imperaturum induit : abit privatus, permanet in Imperio Mammetes. He ſpeaks of the inauguration of one of their *Sultans*, *Mahomet* or *Mahumed*, whom he calls *Mammetes*. Yet the *Chaliph* there retained his name ſtill, and continued afterward as high *Prieſt* to the *Sultan*. For *Martin à Baumgarten*, ſpeaking of the preſence of their *Sultan*, and ſtately attendance of XX. cIↃ. *Mameluchs* (that word denotes the Kings Captives or Slaves) ſaies, that not far from the *Sultan* or *Soldan*, *ſedebat loco depreſſiore Papa ejus, quem ipſi* Calipha *Nominant.* And among the *Perſians* at this day ſome inferiour [o] *Prieſts* are called *Caliphs*, ſubject to their great *Muſtadeini.* And to one of them the inauguration of the *Sophi* (heretofore in *Cafe*, now in *Casban* or *Hiſpaan*) belongs, as among the *Mameluchs* it did of the *Ægyptian Sultan.* And a like form of an imaginary or rather ſubordinate *Chaliphat* at *Bagded*, as that of *Ægypt* or *Cair* was, is reported by [p] *Leunclavius.* Whence alſo we have in *Zonaras* [q] that the *Chaliph* in the *Turkiſh* Empire was one ὃς παρὰ τοῖς Ἀραβίοις τετίμηται, ὡς ἐν τῷ Μαχομέτ κατάγειν νομιζόμενος, that is, *Who was of an exceeding dignity among them, his diſcent being ſuppoſed from Mahomet.* The dignity of the great *Sultan* being above this. To the ſame purpoſe and of a like *Chaliph*, is that of *Matthew Paris* [r] to be underſtood, where he writes, that *in terra de Baldach habitat Papa Saracenorum qui* Caliphus *appellatur & tenetur in lege eorum, & adoratur ſicut Pontifex Romanus apud nos. Progreditur autem cum diſcipulis ſuis quos habet ſicut Papa & Cardinales, ad Mahumeriam &c.* But notwithſtanding theſe ſubordinate *Chaliphs*, both in regard of the Spiritual or Eccleſiaſtical ſucceſſion as well as of the Temporal, the ſupreme *Sultans* bare it. And the *Perſian Sophi* alſo hath, as *Chaliph* or Succeſſour to *Ali*, the ſupreme diſpoſition in all his Church Government; and therefore alſo in one of *Scha Iſmael*'s Coins, the inſcription was, *Iſmael Caliph Lullah*, that is, *Iſmael* the *Vicar* or *Succeſſour of God.* And *Leunclavius* ſaith, he [s] hath ſeen it uſed in Letters from the *Sophi Scha Mahumed*, to the King of *Spain.* And, although the *Otthomanique* Line which now reigns in *Turkie* be not indeed of *Mahumed*'s kindred, but meer *Turkiſh*, yet thoſe *Grand Signiors* alſo have uſed the Title of *Caliph.* So expreſly affirms *Leunclav* of *Amurad* III. in whoſe Letters to the Emperour *Rodulph* II. he had ſeen it expreſly. So alſo in Letters and Patents of *Soliman* and *Selim* II. which had it tranſlated by *Hæres*, the original being *Chaliph Olem*, that is, the *Vicar* or *Succeſſour*, or *Heir of the World.* And *Oſmanicis* (ſaith he, uſing that word for the *Otthomaniques*) *perſuaſum eſt Principem ſuum eſſe Caliphen hujus ſeculi.* It was diſcontinued in the two *Selguccian* [t] Families, but by the *Oguzian*, whence the preſent *Otthomanique* Line is, it was renewed. The word *Chaliph* is derived into *Arabique* from the *Hebrew* חלף *Cheleph*, which, with difference of Dialect is the ſame in *Syriaque*, and properly ſignifies *Vice* or ἀντί. For, where in S. *Matthew* it is remembred that *Archelaus* reigned ἀντὶ Ἡρῴδου, that is, *in ſtead*, or as *Succeſſour of Herod*, the *Syriaque* hath חלף הרודם *Chealaph Herodes*, which is the ſame. Divers other [u] fancies are touching this Title, but they are vain and long ſince rejected.

o *Cartwright Pereg rinat.*

p *Pandect. Turcic. cap. 237.*

q *Hiſt. pag. 230. & vide eum pag. 204.*

r *Hiſt. Maj. pag. 233. in Rich. I. & pag. 1150. in Hen. 3.* Vide *de Chaliphis hujuſmodi. Leo Afric. lib. 8. & Bizarr. hiſt. Genuenſ. pag. 602.*

s *Epiſt. de Reb. Turc. p. 836.*

t *Hiſt Muſulmanic. 1.*

IV. *Poſtellus*, a man that had great knowledge of the affairs of *Mahumediſme*, and had ſeen divers of their Stories, which this part of the Chriſtian World hath not yet received, tells us, that upon the diviſion of that *Aſiatique* Empire into ſeveral Parts of *Aſia* and *Africk*, the Title of *Caliph* was chiefly retained at *Bagded* (yet it was uſed alſo by ſome other Emperours that pretended to be Succeſſours of *Mahumed*, as is already

u *Leunclav. Epiſt. ad eb. Turc. p. 836.*

already shewed) and that some others which made themselves supreme Lords in the Eastern Parts, were called by a word of their own tongue, *Benchi*. And they of *Afrique*, saith he, *Seraphos*, [x] *Sultanos* and *Maulas*, *id est, Opulentos, Potentes, & Protectores vocari voluere*. But also there was one common to all (*vocabulum omnibus commune*, as *Postellus* his words are) that is, *Emir* and *Emir Elmumunin*, of all which severally. For that of *Benchi*, which was the same (as I conceive) with the *Turkish* بكلر or *Benglar* being the plural of بك *Beg* or *Bengh*; it denotes *Lords*, but at this day is most usually applyed to Lieutenants of Provinces under the Grand *Signior*, but rarely to supreme Princes, although in the *Persian* Empire the Emperors have had it given them as [y] their greatest name, as *Hagmet Beg*, *Alman Beg*, *Morad Beg*. The name of *Seraphi* in *Postellus*, is the same with *Sceriph* or *Xariff*, *Jariffe*, or *Xeriffe*, which at this day is known in the Stile and Stories of the Kings of *Fesse* and *Marocco*, being thus expressed in their *Arabick* شريف that is, *Scheriff*. Yet neither is this name to be so restrained to *Afrique*, as if it were a Title of Honour there only. I have seen it in antient Letters sent from the *Mahumedan* Princes of the East also. And the most learned *Lounclavius*, who was most conversant in the Eastern States, writes, that the Title of *Sceriph* is accounted a distinguishing note of Honour for them which are descended from *Mahumed*, and therefore of greatest reputation and quality among the *Mahumedans*. *Notum* (saith [z] he) *quanto sint apud Mahumetanos in honore qui recta linea tam à Propheta Mahumete, quam ab Ali Mahumetis genero, descendunt, aut se fingunt descendere. Hi Turcis Tartarisque* Scithi *vulgo dicuntur, Arabibus autem* Seriphæ: *quos maximâ sane veneratione atque observantia quum prosequantur, etiam ipsi Sultani* Seripharum *adpellatione velut Augustiores se reddere volunt*. Yet that line of the Princes of *Fesse* and *Marocco*, which in this Age have been called by it, are so specially known by the Title of *Xariph*, as if it were a name proper enough to design them only from other *Mahumedans*. For the Story of those Kings, written by *Diego de Torres*, is titled *Istoria de los Xariffes*, or, *The History of the Xariphs* only; and where he begins with *Mahamet Ben Hamet*, who was, about CXX years since, the Author of that Empire, to his Posterity, he says, he caused himself to be called a *Xariffe*. And [a] *Clenard* that liv'd among them and had great skill in their Language and Manners, expresses the King of *Marocco* only by *Seriphius Rex Marocci*. But both *Clenard* and this *Diego* understood well enough that the reason why he took the name was only, to gain himself the greater honour, by pretending in it, that he was discended from *Mahumed* their great Prophet. *For Otro Nombre* (saith he) *se hazia llamar Xarife, diziendo ser del linage de Mahomet*, that is, he would have himself called *Xarife*, saying, he was discended from *Mahumed*. And in his margin expressly, *Xariffes entre Moros es lo mismo que decendientes de Mahoma*, that is, *Xariffes* among the *Mores*, are the same with those which are discended from *Mahumed*. The word in it self signifies no other than *Noble, Illustrious, Great*, or the like. For, in the New Testament, where [b] the original is Εὐσενὴς, which is justly translated *Noble*, or *of Gentle* or *great Blood*, the *Arabique* interprets it by this word thus ذوي الحسب الشريف *Dwi alchaseb alsheriph*, and ذوي جنس شريف *Dwi ghenos Sheriph*, both which are to be translated by *Illustrious*, or *of great Blood*, or

x *De Orbis concordia, lib. 2. pag. 243.*

y *Mirkond l' Autheur de les Estates des Empires pag. 2023.*

z *Pandect. cap. 3.*

a *Epist. lib. 1. pag. 89.*

b *D. Luc. cap. 19. comm. 12. & 1. ad Cor. cap. 1. comm. 26.* Vide *Num. cap. 1. comm. 16. & Psalm 149. comm. 8.* Arabicè.

or *amplo genere*, or *illustri Familia*, or *cognatione Oriundus*. As also the *Syriack* Translator expresses in בר טחמא רבא *Bar tohema Rabba*, that is, *the Son of a great kindred*, which is exactly agreeing to the *Arabick*, that for the most part in the New Testament is according to the *Syriack* expression. So in the *Arabick* [c] Proverbs, this word is turned by *Optimas* and *Nobilis*, and it is opposed to دني *Deni*, that is, *Ignoble*, as *Nobilis* is to *Vilis*. But as we speak in *Europe*, of *the Princes of the Blood*, meaning of the Blood Royal; so this word *Seriph* denoting generally men of great or gentle Blood, was used at length to design only such as were of *Mahumed*'s blood. Such a one was that *Seriph* with whom, *Leo Africanus* saies, he [d] travailed to *Ilensugaghen* a Town of *Hea* in *Barbary*, where that *Seriph* pretended right to be chief Lord or King. But whereas some have taken this [e] Dignity or Title of *Seriph* to denote the Heir apparant, or next Successour in the *Caliphat*, and to be in Analogy agreeable with the name *Syncellus* in the Patriarchat of *Constantinople*, or such like; doubtless they were mistaken. Neither is any question to be made of that sense of the Title which is here delivered.

c *Centur.2. proverb.5.& 45.*

d *Descript. Afric.lib.2.*

e *Zonar.Hist. pag.204. Cropalates Scylizzes Histor. pag.116.*

Those *Sultani* which *Postellus* speaks of, are the same which are in out Histories usually expressed by *Soldani*. Neither was this so proper to *Africk* as that it should be noted for a Title of Honour chiefly in those Parts. The *Chaliphs* of *Ægypt* and *Bagded* used it ordinarily and are stiled by it: and the *Ottomanique* Race use it as a chief Title to this day. The *Grand Signior* hath it commonly in his Stile; sometimes with the addition of *Olem*, as *Sultan Olem*, which is *Lord of the* [f] *World*. In *Arabick* it is سلطان *Sultan*, which denotes *Dominus* or *Lord*, being made of שלט *Salat*, which signifies to *Rule* and *Govern* as a Lord, both in *Hebrew* and *Arabick*: whence also we have שלטונים *Siltonim* in the [g] holy Story, for *Lords* of the *Assyrian* Monarchy. In *Spandugnino* it is usually *Sultam*, but by corruption. But as *Dominus*, *Sire*, or *Signior*, with us in *Europe* are used both for *Lord* as it implies Power, and also for an appellative in our common salutations, so this of *Sultan* is with the *Mahumedans* also, and is not restrained only to the designation of Greatness. The like occurrs in both *Greek* and *Latine* Writers of later times, and that very often. For the *Latines*, it is obvious in the Stories of the holy Wars, and in the neater Writers of our Age which speak of *Turkish* affairs. And for *Greek*, beside the common *Oriental* stories, In Letters sent from *Selim* II. to the State of *Venice*, about clo. D. LXX. of *Christ*, and written in most barbarous [h] *Greek*, *Selim* is thus stiled; Αφεντῶ Σελτὰν Σελὴμ τ Κονσταντινοπολῖς Νέας Ρωμῆς, with a large reckoning up of Provinces and Dominions, αὐθέντης καὶ βασιλεὺς ὅλου τοῦ πάσι τῶ οκέμενε ὑπο τ ἡλίου, that is, Sultan *Selim Prince of Constantinople*, *New Rome*, &c. *Lord and King of what is comprehended in our sight under the Sun*. That *Aphentes* is but a corrupted word from αὐθέντης, which the later *Grecians* call αὐθεντόπαλος, that is, *a Lord* or such like; their later custom being usual in proper names and divers other words, to make the termination in πᾶλος: and *Aphentes* is there added to *Sultan*, but as a word of the same signification. Whence also the later *Greeks* call the great *Turk* ὁ Μέγας Ἀφέντης, that is, *the great Lord*, or *il grand Signior*, or the *great Sultan*. And in their Coins (having commonly, as *Spandugnino Cantacuseno* saies, the Name and chief Title of Honour of the Emperour, with some of their Saints name on the one side, and some few words of a prayer on the other) it being thus applied, is reputed

f *Antonin.Hist. part.3.tit.19. cap.8.§.4.*

g *Dan.cap.3. comm.2.*

h *Cruf.Turco-Græc.lib.4.Epist.60.*

puted as the higheſt Title that denotes Power and Supremacy. And
i *compend. Hiſt. pag.* 634. the *Turks* (ſaith i *Cedren*) in the antient times when their Greatneſs began in the more Weſtern parts of *Aſia*, impoſed this name on their King *Tangrolipax*. It ſignifies, ſaith he, Παντοκράτωρ, and Βασιλεὺς Βασιλέων, that is, *Emperor*, and *King of Kings*; which words indeed truly interpret it as it expreſſes the eminency that it imports in the Title of the *Grand Signior*. But, it is an error, that ſome deliver, that the great *Sultan Saladinus*, as the ſtories call him, or *Salah Eddin*, as his name is (who was *Sultan* of *Ægypt* in the time of *Frederick Barbaroſſa*) firſt of all uſed this Title. It is of much antienter uſe, and appears to be ſo in *Zonaras*, *Cedren*, and that of *Vettius Valens* cited by *Meurſius* in his Gloſſary. The laſt of thoſe Titles which *Poſtellus* ſpeaks of, is *Maulæ*, denoting the ſame in ſubſtance with *Sultan* or *Lord*, and is commonly pronounced *Mully*: it is obvious in the expreſſions of the *African* Princes, as in *Mully Buazon*, *Mully Nazar*, *Mully Mahumed*, *Mully Sedan*; it is written with them مولي *Mully*. But as *Seriph* is moſt proper to them of the blood of *Mahumed*, ſo this of *Mully*, it ſeems, alſo. And the moſt learned and my eſpecial friend and teacher Maſter
k The *Arab. Trudgin. in Muley.* k *Bedwel* (being of ſingular knowledge in the *Arabick*) notes that he hath not obſerved it attributed to any but thoſe of the blood Royal: they have alſo another Title of the ſame ſignification, which is سيد *Sid* or *Cid*, as in *Cid Buazon*, *Cid Ali*, *Cid Mançor*, and ſuch more: and this Title in *Arabick* was uſed by a Chriſtian Prince, *Roger* the firſt King of *Sicily* (who made himſelf Lord of ſome of the Eaſtern parts) about CCCC. LX years ſince, in his Coins which had on the one ſide *Rogerius Rex*, and on the other الجبير سيد *Alchabir Sid*, that
l *In notis ad Greg. Nyſſen. Epiſt. ad Euſtathi. Ambroſiam & Baſiliſſam, pag.* 58. is, *the mighty*, or *great Lord*; if at leaſt *Caſaubon* (who l relates it) hath rightly conceived the inſcription of this King's Coine, which having the draught of the Characters very difficult to be read, was ſhewed him by my worthy and learned friend *Monſieur Piereſc* a Counſellor in the Parliament of *Aix*, and a man of moſt curious diligence in the ſearch and preſervation of all things that may conduce to any part of good learning.

That of *Imir* or *Amer*, which they write امير ſignifies alſo a *Prince Lord*, or ſuch like, and alone is not only given to their ſupreme Princes, but alſo to Lieutenants of Provinces and more ſuch: of whom more in the ſecond part. But (as by ſome other of their Titles) ſo by this alſo the *Grand Signior* is by reaſon of his eminency ſometimes denoted by it; ſometimes the name of *Great* being alſo added to it. *Sampſates Spachanes* a *Perſian* and a *Mahumedan*, m living near the begin-
m *Epiſt. ad Melet. Monachum præfix. Cantacuzeni orationibus.* ning of the *Ottomanick* Empire, calls all *Turkey* τὼν χώραν τῦ Μεγάλυ Ἀμηρᾶ, that is, the countrey of the Great *Amir*. And Ἀμηρᾶς alone in that ſenſe occurrs in the Lady *Anne* her *Alexias*, *George Phranzes*, and ſuch more; and *Cedren*, ſpeaking of *Abubachar* the firſt Succeſſor of *Mahumed*, ſays that πολιτᾶ, ἀμηρεύσας ἔτη ϐ. ἥμισυ· that is, *He was* Amir II *years and a half, and then died.* It is but the ſame name which *Matthew Paris* and other Monks mean in their *Admirabiles*, *Admiralli*, *Ammiralli*, and the like, which the Authors of the holy Warrs are full of; and *De Jonville* always calls them *Admiraulx*. But the moſt antient and moſt
n Merwan *Poeta Arabicus apud* Georg. Almacin. *Hiſt. Saracenic. lib.* 2. *cap.* 4. proper Title is that *Amir* or *Emir Elmumunin*, which the *Arabick* thus expreſſes, امير المومنين, by which name *Mahumed* is ſometimes indeed n ſtiled. But it began to be firſt uſed, as a peculiar title

to

to the *Chaliphs*, by *Omar* [n] *Ben Alchitab*, the second from *Mahumed*, or about the twentieth year of the *Hegira*, that is about 640 after our Saviour. And where *Benjamin Ben Jona* speaks of the *Chaliph* of *Bagded*, whom he calls *Amir Almumunin Alghabaſſi*, it muſt be underſtood that none of all that was his proper name. But *Amir Almumunin* is this Title. And that of *Alghabaſſi* (אל עבאסי) is only one of the *Abaſſilar* Family, which is famous among the *Chaliphs*. Therefore *Arias Montanus* his interpretation of *Alghabaſſi* was little to the purpoſe, or rather againſt the Author's purpoſe. It ſignifies *Prince*, *Lord*, or *Emperor* of the true Believers: as alſo *Rigordus* an old Writer of the life of *Philip* I. of *France*, long ſince well interpreted it. *Hemiromomelin* (ſaith he, meaning this Title, but corrupting it in pronunciation, as the *Spaniards* uſually do, they call it *Miramomelin* or the like, as if alſo it were the proper name of the *African* or *Mooriſh* Kings) *Rex Credentium*. But the ſame Author not long after in the ſelf ſame ſtory is much deceiv'd, when he writes, *Rex quidem Saracenus, qui dicebatur* Mumilinus, *quod, lingua eorum, ſonat Rex Regum*. For plainly *Mumilinus* was but corrupted from this we ſpeak of, as alſo *Amiromomenius* [o] which often occurrs in *Roderique* of *Toledo* his *Spaniſh* ſtory, and *Amymurlim Rex Perſarum* in [p] *Sigebert*, and other the like in other Antients of the holy War. *Jacobus de Vitriaco*, *Marinus Sanutus Torſello* and others, rightly interpret it alſo (though they miſtake in the Orthography of it) as *Rigordus*. The middle *Grecians* call it Ἀμιρμυμνὴς (for ſo is it neareſt the right) although ſometimes it is in the ſelf ſame Author, Ἀμιρμυμνής. *Lately* (ſaith [q] *Theophanes* a Chronologer of the middle times in *Greece*) *the* Amir *of* Perſia *or* Choraſan *became an abſolute Prince, by reaſon of the declining ſtate of the* Amermumnes *of Bagded* (whoſe Lieutenant he had been) κἀπικάλεζεν ἑαυτὸν Ἀμιρμυμνῶν, that is, *and called himſelf* Amirmoumnes; meaning *Amirmumnin*. And *Cedrenus* in the ſame page [r] calls it Μαμὲμ, and alſo Ἀμιρμυμνής. But our *Matthew* [ſ] *Paris* ſtiles the King of *Marocco* and thoſe parts *Admiralius Murmelius*, ſtumbling at this Title uſed by thoſe *African* Kings. *Miſit ergo nuncios* (ſo are his words, ſpeaking of King *John*'s ſending thither to have changed his *Chriſtianity* for *Mahumediſme*) *ſecretiſſimos cum feſtinatione ſumma, videlicet*, Thomam Herdintonum, & Radulphum filium Nicolai *milites*, & Robertum de Londino *Clericum ad* Admiralium Murmelium, *Regem magnum Africæ, Marrochiæ, & Hiſpaniæ quem vulgus* Miramomelinum *vocat* (it was the better word of the two) *ſignificans eidem quod ſe & regnum ſuum libenter redderet eidem & dederet, & deditum teneret ab ipſo, ſi placeret ei, ſub tributo. Necnon & legem Chriſtianam quam vanam cenſuit, relinquens, legi Mahometi fideliter adhæreret.* It was eſpecially uſed by the *African* Princes that governed in *Spain* alſo, though it were common to all in the ſeveral *Chaliphats*. *Jacobus de* [t] *S. Vitriaco*, and *Marinus* [u] *Sanutus Torſello*, chiefly attribute it to them of *Africa*, with whom alſo it was very antient. For *Poſtellus* ſays, he hath ſeen [x] Coins of above DCCC years before him, ſtampt by an *African* Prince with this Title iterated in the inſcription. *Erat*, ſaith he, *inſigne vocabulum Principis, & Africani potiſſimum quod vel ex numiſmatis patet. Nam ita inſcribebatur, ut compertum habeo, vetuſtiſſima moneta ante* DCCC *annos cuſa* (he lived in the age of our Fathers) *Joſephus* Emir Elmumnin, *filius* Emir Elmumnin, &c. *uſq; ad atavos*. But in the later times it is become almoſt ſo proper to the *Mahumedan* Princes in *Africk* that ſcarce any elſe, I think, uſe it. They

n *Georg. Almacin. hiſt. Saracenic. lib. 1. cap. 3. & apud Gabriel. & Joann. Maronitas lib. de Nonnullis Orientalium Urbib. & c. cap. 8.*

o Ita à *Miramolino* pro *Amiramomuno* corruptè legitur in *Averrois* præfat. ad lib. 1. *Colliget.*

p *Sub ann.* 801.

q Ap. *Conſtant. Porphyrog. de adm. Rom. Imp. cap.* 25.

r *Comp. Hiſt. pag.* 450.

ſ *Hiſt Mai. pag.* 324. *A.* cIↃ CC. XLII. *Reg. Joh.* XVI.

t *Lib.* 1. *cap.* 2.

u *Lib.* 3 *part.* 3. *cap.* 5.

x *De Orbis concordia, lib.* 2. *pag.* 243.

do frequently in the Titles of their Letters. So the Divine *Scaliger* tells us [y] out of the Letters from the Emperor of *Feſſe* and *Marocco* to the States of the *Low Countries*: and I have ſeen it in their Letters directed both to Queen *Elizabeth* and to King *James*. Some refer the firſt uſe of it there to *Abedramon* that built *Marocco*. And doubtleſs it was owned by every one that reputed himſelf a *Chaliph*. But on the other ſide ſome uſed this who abſtained from the Title of *Caliph*, as the [z] Kings of *Tunis*. And as that of *Xariffe* eſpecially denotes their Emperor to be of *Mahumed*'s blood or of *Phateme*, ſo this is a Title deſigning him to be a Succeſſor in the maintenance of the *Mahumedan* Faith and Religion.

y *Canon. Iſagog. lib.* 3.

z *Lunnc. Epiſt. de reb. Turc. pag.* 835.

But the *Grand Signior* hath in ſtead of this, in later [a] times rather uſed the Title of پادشاه مسلمین *Padſchah Muſulmin*, that is, *Great King*, or *Emperor of the Muſulmans*. *Padſchah* being in *Turkiſh* and *Perſian*, a *Great King* or *Emperor*; whence they call the *German* Emperor, *Orum Padſchah* or the *Emperor of Rome*, the *French* King *Frank Padſchah*. And the great *Mogor* alſo in his Title ſtiles himſelf by this name of *Padſchah*: whereof more anon where we ſpeak of a part of this Title, that is, *Schah*. Neither is this Title of *Padſchah* given to any other that is meaner than a ſupreme King. The word *Muſulmin* plurally in the Title ſignifies (as *Mumunin* in that other) *Orthodoxi*, *Fideles*, or *qui ſincerè credunt*, as *Raphalengius* interprets it. Hence is it made ſingular in *Muſulmanus* or Μωζελμάνος, often occurring, ſpecially in *Sphachanes* the *Perſian*, and the Emperor *Cantacuzen*'s works; whence they have their verb Μωζελμανίζειν, *to turn Turk* or *Mahumedan*. And the old *Chaliph* of *Bagded* is alſo in the *Arabian* [b] Geographer mentioned, as by his moſt known Title امير المسلمين *Amir Almuſulmin*, with the addition in one place of العباسي *Alaghbaſſi*, that is, *Imperator Muſulmanorum Abaſſæus*, as the *Maronits* turn it. *Abaſſæus* or *Alaghbaſſi* here denoting only the *Abaſſilar* family, of which there is mention in the *Muſulmanique* ſtory, and in *Benjamin Ben-Jona* as is before noted. The firſt that had that Title of *Amir Muſulmin* was *Homer Ben Chateb*, the ſecond *Chaliph* after *Mahumed*, as it is noted by thoſe [c] two learned *Maronits*, that to the great advancement of ſuch learning as may be encreaſed out of the Eaſtern tongues, are the King's publick Profeſſors of them at *Paris*: and afterward, both this and the other of *Amir Almumunin* grew common. But the greateſt attribute which the *Grand Signiors* uſed ſince the taking of *Conſtantinople*, is *Huncher*, *Hunchier*, or *Hunggiar*, as [d] *Leunclavius* writes it; *Id propriè* (ſaith he) *titulo noſtrorum Auguſtorum reſpondere volunt, quo ſe Imperatores Cæſares appellant*: and *Megiſer* in his *Turco-Latin* Dictionary interprets it only by *Imperator*. The firſt that uſed this *Hunggiar*, was *Mahumed* II. which took *Conſtantinople*; and, after him, *Bajazeth* and *Selim* alſo had it. Whereupon, ſaith *Leunclavius*, *Iſmael Schah* the *Perſian Sophi*, both in diſhonour of the *Grand Signiors*, as alſo to upbraid their ſuperſtitious abſtinence from Swines fleſh (for that *Jewiſh* ceremony was wont to be of ſo great moment and regard amongſt them, that, when they took a ſolemn oath for confirmation of any League or the like, one execration was inſerted, thus, that if they ſtood not to the Covenants, *Que ilz fuiſſent diſhonorez & diſhontez, come le Sarazin que mange le chair de Pourceau*, as *le Sieur De Jonville* that was amongſt them with S. *Lewes* of *France*, ſpeaks) *Iſmael* (ſaith he) for that reaſon was wont to keep

a *Barth. Georgovitz. cap.* 3.

b *Nubienſ. part.* 2. *Clim.* 1 & *part.* 9. *Clim* 6.

c *Herſonita & Sionita in tract. de reb. Orient. pag.* 24.

d *Pandect. Turc. cap.* 3.

keep a very fat Hog and ſtill call him by the name of that *Turk* which then reigned, with the addition of *Hunggiar*, as *Hunggiar Bajazet*, or *Hunggiar Selim.*

V. That *Iſmael* was the firſt *Perſian* King that had the now famous attribute of *Sophi*, or *il Signior Sophi*, as ſome *Italians* call him: the original whereof is to be deduced out of Story thus. Beſides the four aſſociats of *Mahumed* (*Abubaker*, *Omer*, *Othman*, and *Ali*) which preſently after him were the Propagators of his traditions, there are other antient Doctors of that Church (they call them *Imamlar*) as [e] *Imam Malichim*, *Imam Scheaffim*, *Imam Achmet*, and others; all which four the *Perſians* deadly hate, nor admit they of their Doctrine. Neither will they allow of any Traditions from *Abubaker*, *Omer*, or *Othman*; they are altogether for *Ali*, to whom, they ſay, the Angel *Gabriel* ſhould have given the *Alcoran*, but, by error, in ſtead of him, he took it to *Mahomet*; and that *Ali* ſhould have been the general *Chaliph*, but that the other three, through the aid of ſome which were ill affected to him, couzen'd him of it. Neither is there a Book or Monument of the Doctrine of either of thoſe three, but when the *Perſians* find it, they burn it. This Sect from *Ali* deduced into *Perſia*, was eſtabliſhed there, by the Doctrine of one whom they call *Shach* or *Sophi Cheque*, who deriv'd himſelf as deſcended from *Ali* (ſo called for his pretence of holineſs and Religion, which is denoted in *Sophi*) and liv'd about the year cIↃ CCC. LXX. On the other ſide that of *Ali* is ſo hated by the *Ottomaniques*, that their *Mufties* (that is their Patriarchs or Archbiſhops) deliver it for doctrine that it is more meritorious, in *Mahumediſme*, to kill one *Perſian* than threeſcore and ten *Chriſtians*. From that *Shach Sophi* through divers diſcents came one *Sheich Haidar* (Prince of *Erdebil*) living about cIↃ D. of our Saviour, and taught the new Dogmaticals of his Anceſtors, ſhewing withal the *Othomanique* hereſies. Upon the new doctrine (as it happens) great conflux was to the new Doctor, who grew ſo farr into ſuch opinion as creates Greatneſs, that *Uſun Chaſan* then King of *Perſia*, gave him in marriage his daughter *Martha*, diſcended out of the *Greek* Houſe of the *Commnens* Kings of *Trapezond*. By *Martha*, *Haidar* had a ſon named *Iſmael*. *Uſun Chaſan* left his ſon *Jacupbeg*, *Sultan Jacup* or *Padiſcha Jacup* (as he is call'd) his ſucceſſour, who began much to ſuſpect his brother in law *Haidar* and his Nephew *Iſmael* with their multitude of Followers, and, to prevent further danger, put *Haidar* to death. His Nephew *Iſmael* hardly eſcaped him, but fled with his Mother to a friend of his Fathers, one *Pircul* a Lord of great rank about the *Caſpian* Sea, and there had his education according to his Father's Religion. *Sultan Jacup* the King was poiſoned by his wife; and, after ſome few *Perſian* Kings that interceded, *Alwan* or *Almut Beg* (as ſome call him) ſucceeded in that Kingdom. *Iſmael* now, pretending the challenge of his Father's Eſtate, Place, and his own inheritance; invaded part of *Perſia*; had the day againſt *Alwan*, ſlew him; put his brother and Succeſſor *Morad* or *Amurad Beg* to flight; and ſo got the *Perſian* Empire to himſelf and his poſterity. And this was about C. XX years ſince. In this *Shah Iſmael* ſon to *Haidar*, is the beginning of the Title of *Sophi* placed. But the reaſon of the name is given variouſly: ſome have taken it as if it had been impoſed as a diſgrace, by thoſe of the *Ottomanique* Empire, upbraiding the *Perſian* with wearing a poor woollen Turbant (*Sophi*, that

[e] Cantacuzeno *ſunt alia nomina eorum qui Mahumedis Doctrinam dilataruntatque uti Patres aut ſummi Doctores præfuerunt.* Orat. 2. *& de ea re videndi Will. Tyr. de bell. ſacro lib. 1. cap. 4. & lib. 19. cap. 20. & Fonvillan. Chron. S. Ludovic. cap. 30. & 57. &c. & de hiſce ſectis, vide I. Cotovic. Itiner. Hieroſolymit. lib. 4. cap. 1. &c.*

is صوفة *Tzophe* indeed ſignifies wool in *Arabick*) of ſlight value and poor faſhion, in regard of the linnen or ſilk Turbants of the *Turks*: and becauſe the colour was red and the folds of it twelve in number, they gave them alſo that name of *Kiſſelbaſſalar* or *Red Heads*, and *Enaſſerlar* or *Twelve-folded*: all which *Leunclavius* thus expreſſes. *Ab Oſmanidis*, ſaith [f] he, Sophi *cognomentum*, & Kiſelis Baſſæ *per ignominiam fuit inditum à* Sophi *Arabica voce quæ* Lanam *ſignificat. Quippe cum Mahumetani & præſertim Oſmanici, more veteri, Tulipanto lineo ſubtilliſſimi operis caput involvant, nova iſthæc* Sophilariorum *religio præcipit inter alia, ne caput faſtu quodam lineis ejuſmodi ſpiris ornetur: ſed ut tegumenta Capitum è Lana, non magni re pretii, conficiantur. Et quia laneum hoc tegumentum capitis, quo præter aliorum Mahumetanorum morem, hi nunc utuntur, plicas habet duodecim, & Arabica vox Enaſſer duodecim ſignificat, etiam aliud nomen* Enaſſerlariorum *conſequuti ſunt, ac ſi Græco vocabulo dicas* Dodecaptychos, *aut Latino* Duodecimplices. *Quod deniq; tegmen ejuſmodi rubro duntaxat colore tinctum geſtare ſoleant,* Kiſſelbaſſilarii *quoque dicti ſunt, veluti capita rubra;* The *Perſians* being before called by the *Turks Azemlar*, and their Territory *Azem*. And according to this opinion (which divers follow) thus came this *Iſmael* and his ſucceſſors to be called *Sophi* and *Keſſel Baſſæ* alſo: and for the name of *Keſſel Baſſæ*, it is true, that it was communicated alſo to his Subjects of the better rank, whom he commanded for diſtinction to wear red Turbants. But this of *Sophi* had not any ſuch original from Wool: and the moſt learned *Scaliger* juſtly ſlights it as ridiculous: neither did *Leunclavius* upon better conſideration, in his *Muſulmanique* hiſtory inſiſt on it. *Quod quidam* (ſaith [g] *Scaliger*) Sophi *à flocco lanæ dictum volunt, hoc levius eſt ipſo flocco lanæ*: it being indeed plain, that thoſe Anceſtors of *Iſmael* were before known by that name of *Sophi* or *Sophilar* (according to the *Turkiſh* Idiom in the plural) as by a word deſigning their Sect, which was ſuch as had all knowledge *per infuſionem ab intelligentiis non per acquiſitionem Doctrinæ*, as [h] *Alpag* ſays of them, who tells us of ſome of their opinions alſo, both in Philoſophy and Divinity, as that the Heavens conſiſt of Elementary Matter and Form, and yet are not corruptible or at leaſt very hardly corruptible, being of the pureſt parts and temper of the Elements as gold is; and that the *Intellectus primus* firſt aſſumed the body of *Adam*, then of *Moſes*, then of our *Saviour*, then of *Mahumed*, and this in the ſame ſort as we Chriſtians ſay, that the *God-head* aſſumed the Fleſh, and ſuch like. Theſe and the many other Opinions wherein they differed from the reſt of the *Mahumedans*, were the cauſe why they had that name of *Sophi* or صوفي *Tophi*, which in *Arabick* ſignifies *Pure*, *Elect*, or *one of a reformed Religion* which they profeſs, againſt the *Ottomaniques*, with the like quarrels as the *Samaritans* had againſt the *Jews*, or the *Puritans* againſt ſober and well ſettled *Chriſtianity*: and ſo it is chiefly attributed, in titular deſignation to the Emperor of *Perſia*, as *Catholicus* is to the King of *Spain*, or *Chriſtianiſſimus* to the *French* King; although the ſignification of either of thoſe names may be communicated to every good Chriſtian in either of thoſe Kingdoms, as *Sophi* is alſo to every one of this *Sophian* Sect: of which *Iſmael*, being the firſt that reigned, tranferr'd the name to his poſterity to this day, who derive from *Ali*, as the *Xariffes* in *Africk* from *Mahumed*. But the whole ſtory of *Iſmael* and the beginning of that Sect is diverſly delivered. *Leunclav* differing in his *Muſulmanique* ſtory from what he had in his

[f] *Leuncl. Pandect. Turcic. cap.* 81. & 188. Circa *An. Dom.* cIↃ.D. XX. Nec tn. Pandectis acquieſcas niſi optimi Viri etiam hiſtoriam Muſulmanicam inſpicias *lib.* 16.

[g] *De Emendat. Temp. lib.* 5.

[h] *In Avicenn. Aphoriſ. de Anima* 9. & *lib. de definit. & queſit. pag.* 124 *b. Venetiis* 1546.

his *Pandects* delivered of it, *Minadoi* from *Jovius*, and all of them from *Mirkond*. Neither is this a place to reconcile or examine them. But it is said, that in *Persia* they call not the King the *Sophi*, but usually the *Shah*, which signifies *the King* or *Great Lord*. It may well be so: for indeed every man is truly there a *Sophi*, if not a *Mahumedan* Heretick; that is either of *Sheich Sophi* his Sect, as he should be, or of the *Othomanique* Religion. But they are much deceived who tell us that it is abstained from in *Persia* as a name of disgrace, because, as they [i] say, it signifies a Beggar there. Both the Reason and Assertion are false. And it is attributed to this Emperor sometimes in Letters sent to him out of *Europe*, as in that of our Queen *Elizabeth* written in *Latin*, *Hebrew*, and *Italian*, with this *Latin* Title to [k] *Shah Tamas* next successor to *Ismael*. *Potentissimo & invictissimo Principi Magno* Sophi *Persarum Medorum, Parthorum, Hircanorum, &c.* and such more; although in others to him, it be sometimes omitted.

i Ap. *Hackluit. Navig. Part.* 1. *fol.* 397.

k *A. Christ.* clo. D. LXI. 3. *Elizabethæ.*

VI. But that Eastern Title of *Shah* (sometimes written *Xa*, and *Sa* and *Saa*, *Saha*, *Chah*, and *Sehaeh*, and in *Persian* شاه or שאה, as it is written in *Abraham Zacuth*, that is *Shah* or *Xah*, but mis-turned into *Latin* expression by *Scechus* in *Leunclavius*, and into Σάχ by *Theodore Zygomalas*) is attributed to the Kings of *Persia* especially besides others, as *Shah Tamas*, *Shah Mahumed*, *Shah Abas*, and the like. *Leunclavius* and *Joseph Scaliger* conceive it to be an appellation of Greatness given to them, denoting as much as *Don* among the *Spaniards*, or *Monsieur* among the *French*. But so it would perhaps fall out to be but as a synonymie with *Sheich*, *Cheque*, or *Xeque*: that is, ﺷﻴﺦ which is as communicative as *Lord* with us, and doth alone frequently denote those *Lords*, *Quorum angustæ ditiones Regni titulo Dignæ non habentur*, as *Thuanus* [l] his words are; although also, as our *Lord*, it be used by supreme Princes: and thereof enough before. But it is clear that this of *Shah* is a far greater Title, and more especially denoting *King*, or *Great Lord*, or the like. But also communicated, though not so frequently as *Xeque*. For whereas *Ismael Sophi* that beginner of the present Line of the *Persian* Empire, and his Ancestors, were before called *Sheichs* or *Cheques*, after the getting of the Empire, *Ismael Sprezzato il nome* (as *Minadoi*'s words are, and others agree) *de* Seic, *fu chiamato* Saha, *Cioè* Re, that is, *contemning the Name or Title of* Seic *was called* Shah, *which signifies King*: and of this *Ismael*'s successors, he says, that they retein'd *il solo titolo di* Saha: whence also, in that Line of discent of the *Sophian* Family, every one of them is called in Story, *Sha* or *Cha*, as *Sha Ismael*, *Sha Tamas*, *Sha Ismael*, *Sha Mohamed*, *Sha Abas*; the former Kings of those parts having most usually the Titles of *Chan*, or *Beg*, or ميرزا *Mirzah*, a most known attribute in the *Mogor*'s countrie, denoting as much as *Great Lord*, or the like: as *Mirzah Abuzaid*, *Mirzah Sultan Hamed*, *Mirzah Abubaker*, and such more: yet also this Title was not then first given to the *Persian* Emperor. *Achmet*, an old authour, speaks of one Σαὰ Νισὰν Βασιλεὺς τῆς Περσῶν, [n] that is, *Saa Nisan King of Persia*, where also, as *Scaliger* [o] says, *præter* Scha *est aliud nomen multis principibus Persarum commune*, Nisan: *id eorum lingua est Hasta*. From that Title of *Shah*, the Eastern name *Padischah* is made, which they write پادشاه or پادشاه that is, the *Greatest King* or *Emperor*, which name the great *Mogor* uses in his stile, as

l *Historiar. lib.* 26.

m *Dellaguerra di Persia, lib.* 2. & *Linschot. lib.* 1. *cap.* 27. *&c.*

n *Onirocritic. cap.* 3.

o *Canon. Isagog. lib.* 3. *pag.* 309.

as appears in his Seal, a Copy whereof with ſome other good inſtructions of thoſe parts, I had through the favour and courteſie of Sir *Thomas Roe*, his Majeſties Embaſſador now with the *Grand Signior*, and before with the great *Mogor*. But *Shah* alone is not proper only (as *Padiſchah* is) to ſupreme Princes, but is communicated often to ſuch as are petty Kings or Governours of Provinces, as *Chan* is alſo, and the like Titles among them. And the *Perſians* call the Pope [p] *Rumſcha*, that is, *Lord* or *King of Rome*, as the *Turks* do *Rumbeg* in the ſame ſenſe. That Title alſo of *Sha* occurrs in ſome old Writers, joyn'd with ſome other word, as Κερμαζαὰ and Σεγανζαὰ in [q] *Agathias* for Κερμὰ Σαὰ and Σεγὰν Σαὰ. Κερμὰ Σαὰ being the *King of Kerma*: and Σεγὰν Σαὰ the King of the *Seganes* or *Segeſtanes*. So in *Chryſococces* [r] Μελιξᾶ is for *Melic Sa* (as *Malicſach* in *Leo Afer*) being the ſame with *Sultan Melic Sa* in *Abraham Zaccuth*, who alſo hath *Salman Scha*, *Sule Scha*, and the like, for great Lords of the Eaſtern parts. So *Coſſoraſſath* is in *Haithon Armenius* for *Coſroes Shah*, and divers of the like kind are in Authors of the middle time.

p *Leuncla. Muſulmanic. hiſt. lib.* 16. & *in Onomaſtic. & lib.* 14.

q *Apud Scalig. Can. Iſagog.* 3. *pag.* 309.

r *Hiſt. Afric. lib.* 3.

VII. From that of *Scha*, is the Title of شاهنة *Schahana*, which denotes a *Queen* with them, as *Scha* doth a King: thence is it that the Lady *Paſa Kyritze*, wife to *Jacup Beg*, hath the Title of [s] *Schahana* given her by *Amirad* II. So سيدة *Sida* or *Saida*, from سيد *Said*, denoting *Lord*, is a Lady with them. And in *Europe* alſo, *Women* which have been born hereditary ſucceſſors to ſuch as have had the ſupreme Titles already mentioned, have from antient time the ſame names of Honor attributed to them, but moſt commonly changed by variation of the Gender, as we ſee in Βασιλὶς, Βασίλισσα, מלכה *Malcha*, *Royne*, or *Reyna*, *Queen*, **Cuninginc**, *Empreſs*, *Lady*, and the reſt. And the Queens of *England* (as is before expreſſed in the examples of Queen *Mary* and Queen *Elizabeth* beſide that of Queen *Jane*) have been ſtiled *Defenders of the Faith*. Neither only ſuch as are Heires, but the wives alſo of ſupreme Princes and ſuch other as bear theſe Titles, have the greateſt of them, by ſuch variation of gender, communicated to their Stiles, both in the life, and after the death of their huſbands. This is clearly known in the names of *Empreſs*, *Queen*, and *Lady* (whereof, as it denotes other Women inferiour to Queens; more in the ſecond Part) and the Emperor's wife is called *Auguſta*, which may be as well communicated to other Queens; as *Auguſtus* to other Kings. But alſo it hath been attributed as well to the *Graud-mothers*, *Mothers*, *Siſters*, and *Daughters*, and *Neeces* ſometimes, of the Emperors. Neither is it without example that a *Concubine* hath had it. As it denoted the *Empreſs*, it is no leſs antient than the beginning of the firſt Age of the Empire. *Livia Auguſta*, and *Julia Auguſta* occurr in *Tacitus*. *Livia*, ſaith [t] he, *in familiam nomenque* Auguſtæ *adſumebatur:* and, *Julia Auguſta mortem obiit*. Some Coins alſo of that Age, call her JULIA AUGUSTA, and DIVA AUGUSTA, and ΙΟΥΛΙΑ ΣΕΒΑΣΤΗ, and alſo LIVIA AUGUSTA. And ſhe is *Avia Auguſta* in *Sueton*, where he ſpeaks [u] of her with relation to *Claudius* her Grandchild, and *Auguſta Proavia* to *Caligula*. In the following Ages, *Auguſta* became an ordinary attribute to the Empreſs, as appears frequently in the Coins inſcribed with *Julia* wife to *Tiberius*, *Meſſalina*, *Agrippina*, *Octavia*, *Poppæa*, *Statilia Sabina*, *Domitilla*, *Domitia*,

s *Leunclau. hiſt. Muſulm. lib.* 16.

t *Annal.* 1. & 5.

u *In Claudio cap.* 3. & *Calig. c.* 10. & 14.

mitia, in inscriptions to [x] *Faustina*, and the rest, with the Title of AUGUSTA or ΣΗΒΑΣΤΗ. By the same name also she is frequently known in their Laws. *Augusta licet legibus* (saith [y] *Ulpian*) *soluta non est, Principes tamen eadem illi privilegia tribuunt, quæ ipsi habent*: and in [z] another place. *Quodcunq; privilegii fisco competit, hoc idem & Cæsaris Ratio &* Augustæ *habere solet.* And in the [a] Texts of the Imperials, *Augusta* often, and, *Serenissima Augusta conjux nostra*, and *Divina Augusta* occurr, and *Venerabilis Augusta*, for the Empress who hath also the same [b] privileges with the Emperor, as to be free from all charges, to give or take without insinuation or inrolment before the *Magister census*; and conveyances also between her and the Emperor are good during [c] marriage, which is a special prerogative of a Queen or Empress. Her gifts being also called *Donationes Imperiales*. And the servants of the Empresses Chamber having the same [d] privileges as those of the Emperors, might not be sued in any Court but only before the *Magister Officiorum*. And there are other such communications of Imperial Dignities to her by the name of *Augusta*, which frequently occurrs also in other testimonies of the Antients. But withall as *Rex* sometimes and justly denotes the Emperor, so *Regina* did the Empress. *Donationes* (saith [e] *Justinian*) *quas Divus Imperator in piissimam* Reginam *suam conjugem vel illa in Serenissimum maritum contulerit, illico valere sancimus.* But that Title of *Augusta* was not always so attributed to the Empress as that she was presently to be stiled *Augusta*, as soon as she was the Emperor's wife. No otherwise than as some of the Emperors had not their greatest Titles by being invested in the Empire alone without publick acclamations that gave it them, so their wives were not truly *Augustæ* until they were specially honored with that name by the Emperors, either by solemn appellation or by that which was, in the later time of the Empire, their Coronation. So is that of *Paulus Diaconus* to be understood, speaking of *Domitian*. *Uxorem suam* Augustam *jussit nuncupari*. So that of *Flavia Titiana* wife to the Emperor *Pertinax*, in *Julius Capitolinus*. *Eadem die*, saith he, *qua Augustus est appellatus, & Flavia Titiana uxor ejus* Augusta *est appellata*: and *Lampridius* of *Mallia Scantilla* wife to *Didius Julianus*: *Uxor*, saith he, *Mallia Scantilla, & filia ejus Didia clara* Augustæ *sunt appellatæ*: and *Theodorus* [f] *Anagnostes* says that *Basiliscus*, who was, by acclamation in the field, made Emperor, created his son *Marcus* into the Dignity of *Cæsar*, and his wife *Zenonis* into the Title of *Augusta*. Ποίᾳ, saith he, Αυγοῦσαν Ζηνωνίδα τὴν γαμέτην ἐαυτῦ· so he writes, that *Justin* predecessor to *Justinian*, when he came to the Empire had a wife called *Lupicia*, and that her name was changed into *Euphemia* when she was made *Augusta*, or Τὴν μέντοι Αυγοῦσαν, as his words are. And *Zonaras* speaking of *Zoe*, the daughter of *Zauzes*, married to the Emperor *Leo Philosophus*, says, that the Emperor Αυγοῦσαν ἀνηγόρευσε, that is, *called her*, or *gave her the Title of Augusta*; which is expressed in *Cedren* by στέφει ὁ Βασιλεὺς Ζωὴν, that is, *the Emperor crowned her*, or *Augustalem Coronam imposuit*, as *Xylander* well interprets it: where also *Cedren* says she lived a year and VIII months μετὰ τὴν ἀναγόρευσιν, which is, *after the Title of* Augusta *given her*. And the same Emperor, saith *Zonaras*, married a fourth wife (*Eudocia* being the next after that *Zoe* who was the second) called *Zoe Carbonopsina*, and ἐκ δ' θὺς αὐτῇ τῆς Βασιλείας μετέδωκεν ἀξιώματος, that is, did not presently honour her with the Title of Empress, or *Augusta*, but afterward when she had brought him a son he gave it her. And

[x] *Gruter. Inscript. pag. 260 & 291.*
[y] *ff. de Legib. L. 31. Princep.*
[z] *ff. de Jure Fisci l. 6.*
[a] *C. ubi Senator vel Charissi. & c. L. 3. quoties C. tit. de præpositi. Sac. Cubic. l. 3. Cubicularios, l. fi. Augusta & ff. de Legat. 2. De usucap. §. edicto D. Marci. c.*
[b] *C. de quadrien præscript. l. 3 & de Donat. l. 34. &c.*
[c] *C. de donat. inter vir. & uxor. l. 26. donationes.*
[d] *C. de præpos. sac. cubic. l. 3. Cubicularios. & vid. Minsing. ad instit. de usucap. §. edict. D. Mar.*
[e] *C. de donat. inter vir. & uxor. l. 26.*
[f] *Collectan. 1. & 2.*

it

it is obſervable in the paſſages of the ſtory of that time, that Αὐγοῦσταν ἀναγορεύειν, or to give her the name of *Auguſta*, in *Zonaras*, is the ſame with στέφειν, or to crown her, in *Cedren:* and that which *Zonaras* ſaies of the not giving the Title to *Zoe Carbonopſina*, is expreſſed in *Cedren* by ἐπὶ χρόνον συχνὸν μετ' αὐτοῦ ἀστέφους, or *lived a long time with him un-crowned.* All which ſhews that the Title of *Auguſta* was not preſently in the Emperour's Wife without Coronation or ſome other way of conferring it on her by the Emperour. But for the later Ages and this day; I remember not the Empreſſes Title expreſſed by her ſelf with *Auguſta* in it, but only *Imperatrix*, and the reſt of the Emperour's Title varied to the Sex, as *Romanorum Imperatrix ac Hungariæ & Bohemiæ, &c. Regina, nata Regina Hiſpaniæ, &c. Archiducisſa Auſtriæ, Ducisſa Burgundiæ & Brabantiæ, &c. Comitisſa Habſpurgi & Flandriæ, &c.* by which, *Mary* that had been Wife of *Maximilian* II. ſtiled her ſelf with the addition of *Vidua* in her Letters[g] of thanks returned to our Queen *Elizabeth* in Sir *Philip Sidney*'s Embaſſage of condolement to her, upon the death of the Emperour. Neither was her Seal inſcribed with other than *Maria D. G. Rom. Imperatrix ac Germaniæ, Hungariæ, & Bohemiæ Regina.*

[g] *Dat. Pragæ 16. Aprilis, 157. extat in Biblioth. Cotton.*

For the *Grand-Mothers* and *Mothers* of the Emperours, honoured with this Title (no otherwiſe than as if *Margaret* Counteſs of *Richmond*, being Mother to *Henry* VII. ſhould have been called Queen; for ſuch as had been called ſo being Wives to Emperours, are already ſpoken of) *Antonia* Grand-mother to * *Caligula* had it by his creation. So *Claudius* gave it to his Mother *Antonia* after her death. *Decernendum curavit* (ſaith *Sueton*) *Matri nomen* Auguſtæ *ab viva recuſatum*, as the [h] true reading is not *ab avia recuſatum*, which againſt the truth of Story, ſuppoſes that *Livia* had refuſed it. And he ſtampt monies alſo with *Antonia Auguſta*. So *Heliogabalus* had Coins inſcribed with *Julia Mæſa Auguſta*, for the honour of his Grand-mother, and *Julia Sæomis Auguſta* for his Mother. The like we ſee in *Mammæa* Mother to *Alexander Severus*, ſtiled *Auguſta* in his Coins. And *Sozomen*[i] ſaies, that *Helena* Mother to *Conſtantine* in her Widowhood after her finding the Croſs, Σεβαστὴ ἀνεκηρύχθη, that is, was called *Auguſta*, which attribute ſhe hath alſo in ſome old Coins and Inſcriptions, and, it ſeems, had it not while *Conſtantius* lived. An Inſcription with this Title, is conceived to her memory, [k] by the old State of *Naples* thus, with ſome others like it;

* *Dio Hiſt. 59. & Suet. in Calig. cap. 15.*

[h] *Lipſ. ad Tacit. Annal. lib. 1. §. 44.*

[i] *Hiſt. Eccleſ. lib. 1. cap. 1.*

[k] *Neapoli apud Gruter. pag. 1086. & ejuſmodi aliam habes, pag. 284.*

PIISSIMÆ ET CLEMENTISSIMÆ
DOMINÆ NOSTRÆ AUGUSTÆ
HELENÆ MATRI

DOMINI NOSTRI VICTORIS
SEMPER AUG. CONSTANTINI ET AVIÆ

DOMINORUM NOSTRORUM
CÆSARUM BEATORUM
UXORI DIVI CONSTANTII
ORDO NEAPOLITANORUM
ET POPULUS.

So likewiſe it was ſometimes given to the Emperours *Siſter*. There is extant [l] a Reſcript of the Emperour *Honorius* and *Theodoſius*, which ordains

[l] *C. Theodoſ. lib. 3. tit. 1. L. 21. Nemo mercator.*

dains that no man whatsoever be free from the payment of the *Aurum lustrale*, or the five years payment to the Emperour, *Nec sit ad domum* (are the words) *Dominæ ac Venerabilis Augustæ Pulcheriæ germanæ nostræ seu Nobilissimarum sororum pietatis nostræ pertineat.* And some Coins of *Trajan* are inscribed with *Divæ Marcianæ Augustæ*; and, *Divæ Marcianæ Aug. Sorori Augusti*, occurrs in an old Inscription.

For *Daughters*; in *Titus* his Coins we have *Julia Sabina Augusta, Titi Aug. Filia*, and ΙΟΥΛ. ΣΑΒΕΙΝ. ΣΕΒΑΣΤΗ Τ. ΚΟΡΗ. which is the same in *Greek* denoting *Titus* his *Daughter Julia Sabina* by this Title. So *Didia Clara* Daughter to the Emperour *Didius Julianus*, had with her Mother *Mallia Scantilla* this name given her. The testimony of it is before cited out of *Lampridius*, and some Coins of this *Julian* have her thus, *Didia Clara Augusta.* Other Coins have *Herennia Etruscilla Augusta.* And [m] *Cn. Scia Sall. Barbia Ordiana Aug.* both in *Greek* and *Latine* for *Etruscilla* and *Sallustia*, Daughters to the Emperour *Decius.* And *Matidia* Neece to *Trajan* by his Daughter *Marciana* is called *Augusta* and Σεβαστή, both in his Coins and in old Inscriptions. An Inscription, thus, *MATIDIÆ Aug. fil. Divæ Marcianæ Aug. Nepti Divæ Sabinæ Aug. Pii P. P. Materteræ.* And the Coins have *Diva Augusta Matidia*, *Matidiæ Augustæ* and the like. Neither may we forget here that of *Porphyrogennete* and Βασίλισσα or *Empress*, attributed to the Lady *Anna Comnena* (as it is before noted) which with these shew what special indulgence hath been in giving that Sex such of the greatest Titles of their Ancestours, as nevertheless were not so communicated to Brothers or masculine Posterity. And for the example of a *Concubine* honoured with it; *Zonaras* relates that after the death of *Zoe* Wife to *Constantine Monomachus*, he fell in love with a Daughter of one of the Princes of the *Alani*, which had been given in hostage to the Emperour, and, ἐπιζάγε τοῖς Βασιλείοις, καὶ ταυτὴν ΣΕΒΑΣΤΗΝ ὀνομάζας, Βασίλισσαν αὐτῇ τὴν θεραπείαν ἀπέταξε, that is, *brought her into the Court and called her* Augusta, *and appointed an Imperial attendance on her*, and had it not been for fear of *Theodora* (the Sister of *Zoe*, both which were Empresses together when this *Constantine* married *Zoe*; and *Theodora* yet continued the Title) καὶ Βασίλισσαν, saith he, ἂν τὴν ἐρωμένην ταύτην ἀνεῖπε καὶ διαδήματι κατεκόσμησεν ἄν, that is, *he had proclaimed this his Mistress, Empress, and had crowned her.* And of the Title of *Augusta* to the Empress, the Mothers, Sisters, Daughters, Neeces and Concubines of the Emperours thus much.

But also as the Emperours have their solemn attributes, of *Sanctissimus*, *Piissimus* and the like (of which more in the next Chapter) so have the Empresses *Sanctissima, Piissima, &c.* For *Sanctissima*; an old Inscription at *Lectore* in *Gascoigne* to the honour of the Empress *Furia Sabina*, is thus conceived.

FURIÆ SABINÆ TRANQUILLUNÆ
SANCTISSIMÆ AUG.
CONJUGI DOMINI N.
M. ANTONII GORDIANI
PII, FELICIS, &c.

And *Piissima*, and *Venerabilis Domina*, and *Clementissima*, and *Charissima*, are the attributes of the Empresses in old stones; and *Domina nostra*, as appears especially in the Inscriptions made to the honour of *Helena*, being the relict Empress of *Constantius*, and Mother to *Constantine*

[m] *Ita Goltz. in Thesauro, pag. 68.* atqui & uxori Decii ejusmodi inscriptionem dicatam, & ex Numismatis & ex vett. Saxis constat, & præter eum videsis *Gruter. Inscript. pag. 274.*

time the Great. And in S. *Peter's* Church at *Rome* among other Jewels that were found in a Cabinet upon the laying of a foundation for the Pillars, there was a Ladies Bodkin inſcribed on the one ſide with DOMINA NOSTRA MARIA, denoting the Empreſs *Mary* Wife to *Honorius*. The ſame Title hath *Cornelia Salonina* the Empreſs and Wife to *Gallienus*, in an old ſtone at *Cordova*.

As the Empreſſes had ſome of the greater attributes of the Emperours thus given them, ſo the *Queen*-Wives of the Kingdoms of *Europe*. They uſe their Titles of *Regina* and *Domina*, as the Kings thoſe of *Rex* and *Dominus*. They have alſo the attribute of Majeſty, and the addition of DEI GRATIA, in the expreſſions of their names. But thereof, as it concerns Kings, more in the next Chapter. The Queen-Wife of *England* alſo hath of later time (as the Kings) ſuperſcribed their names over their Warrants or Letters of publick direction or command, although in the time of *Henry* VIII. the faſhion was that the Queens wrote their names on the left ſide of the firſt Line of ſuch Letters or Warrants, and not over it as the Kings do. This appears in their Letters and Warrants extant of that time. But by the way here it may not be untimely to note, as a corollary to this place, touching our name of Queen (eſpecially to ſuch as are pleaſed with the origination of words) that howſoever *Royne*, *Reyna*, *Regina*, and **Cuningine**, be but words varied by the Sex from *Roy*, *Rey*, *Rex*, or **Couning**, yet our word *Queen*, which denotes the ſame, is from another kind of original, and of its own nature ſignifies that habitude which is 'twixt her and the King as they are Huſband and Wife, rather than Supremacy of Power or Place; although the uſe of the word now hath made it clearly applicable to *Queens* alſo that are ſole and ſupreme in Government. For, if it were derived into *Engliſh* from the *Saxon* Cyning or Cyng, whence our word *King* is made, it would follow that then the *Saxon* muſt have had (by ſuch Analogy as the *Dutch* uſe) Cyningine, or the like for Queen. But the *Saxons* from whence our *Engliſh* comes, ſtiled a Queen, in the antienteſt times, *Cwen* or Cpen, which is but the ſame word as Queen, the doubling of the vowel being but of later uſe. The word occurrs for *Regina* in *Alfricus*[n] his *Saxon* Grammar. And in the old *Saxon* Text of S. *Luke* we read, Sud ðæler Cpen aprſe on ðome, that is, *The Cwen* or *Queen of the South ſhall ariſe in judgment*. And in the old *Saxon* or *Dutch*, *Quen* or *Queen* ſignified a *Wife* as it is noted in a Collection of ſome[o] Eſſayes of the Tongues of the Northern Parts of *Germany*, publiſhed and, as I conceive, compoſed by that moſt learned *Bonaventure Vulcanius*. And Cæpaper Cpen occurrs for the Empreſs, in ſome old *Saxon* Homily touching the Empreſs *Helen* wife to *Conſtantius*, and Cpen pugel is a *female Bird*, as Mr. *Joſcelin*, a man[p] very learned in the *Saxon* Tongue, and the Story of *England*, notes in his *Saxon* Dictionary. And Cpen hyne is for one that attends or waits on a Lady as an Eunuch, as *Nowel* hath noted in his Dictionary of the ſame Tongue. So that, as *Comes* and *Dux*, in the elder times generally ſignifying every *Companion* and *Leader*, came afterward to denote in expreſſion of Dignity, thoſe who were *Comites Regis*, or *Imperatoris*, and ſuch as were *Duces à Rege vel Imperatore conſtituti*, and as **Knecht** or *Knight*, being of it ſelf nothing but a *Servant* or *Miniſter* (as the uſe of it is at this day in the *Dutch*, and was antiently in our old *Saxon*) yet is now reſtrained with us to thoſe which are honoured with the note of being choſen out, as moſt eſpecial Servants or Miniſters of the Prince and State for

n *Ms. in Bibl. Cottoniana.*

o *De literis & linguâ Getarum pag.* 66.

p *Ms. in Bibl. Cottoniana.*

for their abilities, or the hope at leaſt conceived of their abilities, in the warrs; ſo *Quen* ſignifying originally a Wife or female Companion, or *hæc conſors*, might afterward (as it doth with us, and very anciently did) deſign only the King's Wife, and being once fixed in this ſignification and made convertible with *Regina*, might be thence tranferred afterward to the denotation of ſuch Women as had ſole Government and Supremacy without any relation to a King or Husband. This is the rather likely too, becauſe *Cuen* and *Quens* or *Cuenz*, which are the ſame, occurr ſo frequently in the old *French* (which was mixt much with the old *Dutch*) for *Comes*, as it denotes a *Count*, or *Compagnon* or *Conſors:* it being obvious to find *Conſors Auguſti*, and *Conſors noſtra* for the Empreſſes, and *la Compagne de noſtre Seigneur le Roy*, in our [q] Laws for the King's Wife or the Queen; and *Præchariſſima conſors noſtra*, and *our moſt dear Conſort* in Grants to her from the King. As if *Queen*, *Conſors*, and *Compagne* (which is the Phraſe alſo of the *French* at this day [r] for the Queen) had been ever to this purpoſe ſynonymies. For that uſe of *Cuen* for *Comes*, an old Romaunt of [f] *Siperis de Vineaux.*

[q] *Vide Regiſt. fol.* 1. *Briton. fol.* 279. *b.* 25 *Ed.*3. *Stat. de Prærogativis &c.*

[r] *Cod. Hen.*3. *liv.*18. *tilt.*3.

[f] *Chez Claude Fauchet en l' Orig. des dignitez liv.*2. *cap.* 3.

Le Conte de Lancaſter, qui eit à nom Henry,
Met à conſeil le Conte que on dit de Warwic
Sire Quens, *dites moy par Dieu je vous en prie &c.*

So that old Hiſtory of *Geoffry de Villehardovin*, Marſhall of *Champagne* written about CD years ſince, hath *Thiebaut* Cuens *de Champagne*, *& de Brie*, and *li* Cuens *Leys de Blois & de Chartein*, and *li* Cuens *Hue de San Pol*, and *Baudovin li* Cuens *de Flandres*, and other ſuch, for *Comte*, although alſo he often uſeth the word *Comte* to the ſame purpoſe. And I have a Ms. Hiſtory from *Brute* to *Edward* III. written in old *French*, whoſe Authour in the enumeration of the Countes that came from beyond the Sea to a ſolemn Feaſt held by King *Arthur* at *Cheſter*, ſpeaks of *Ligier* Quens *de Boleyne*, *Holdin* Quens *de Flanders*, *Gezin* Quens *de Chartres*, and ſuch more that were at it; meaning the *Comtes* of thoſe Territories. Yet he alſo hath the word *Comte*, often as a Synonymy. So in a Roll in the Tower of *London*, touching the diſſentions between *Lewes* IX. of *France*, and our *Henry* III. in the year MCCLIX. *Simon* of *Montfort* is called *Quens of Leyceſter*; and *Richard* of *Clare*, *Quens of Glocester*; and *Humfrey* of *Bohun*, *Quens* of *Hereford*; *Roger le Bigod*, *Quens* of *Norfolk*; *William de Forze*, *Quens* of *Albemarle*, where yet *Comte* and *Quens* are uſed alſo indifferently. Divers like paſſages are in the old *French* or *Romaunts*. And ſo *Quen* might be of both Genders, thus to ſignifie as well a Wife as ſhe is *vitæ conſors*, as *Comes* or a Count as he is *Regis*, or *Aulæ Regiæ Comes*. Neither doth the addition of the laſt Letter here, make any difference of the words. For *Quen* and *Quens* are as much the ſame as *Roy* and *Roys*, *Dieu* and *Dieus*, which indifferently occurr in old *French*, in the ſingular number.

For *England*; it is obſervable alſo, that in the *Saxon* times, the Wives of the Kings of the *Weſt Saxons* after *Eadburgh*, the Daughter of *Offa* King of *Mercland*, and Queen to *Beorthric* or *Brithric* King of the *Weſt Saxons*, were not ſtiled *Queens* or *Reginæ*, but only the *Kings Wives*, neither might they ſit in State with the Kings. This firſt proceeded from the wicked inſolencies of that *Eadburgh* (ſhe was married [t] to King *Beorthric* in the year DCCLXXXVII. and he reigned till the year

[t] *Annal Saxon. Mſ. in Bibliotb. Cotton.*

year DCCC.) who by profeſſing her ſelf to oppoſe all that the King loved, and uſing moſt frequent accuſations againſt his Subjects, with dayly plottings of the ruine of their lives or fortunes, and at length alſo poyſoning the King himſelf, drew ſo extreme hate upon the name of Queen, that from his time, the Law was, that the Wife of the King of *Weſt Saxons* ſhould be denied the appellation and honour of a Queen. So expreſly *Aſſerius* [t] *Menevenſis* that lived and was familiar with King *Alured*, from whom he had this relation. *Gens Occidentalium Saxonum*, ſaith he, Reginam *juxta Regem ſedere non patitur*; *nec etiam* Reginam *appellari*, *Sed* Regis Conjugem *permittit*; *quam controverſiam imo infamiam de quadam pertinaci & malevola ejuſdem gentis Regina ortam fuiſſe, majores illius terræ perhibent. Quæ omnia contraria Seniori ſuo & omni populo ita peregit ut non ſolum ſuum proprium odium mereretur, ut à reginali ſolio projiceretur, ſed etiam omnibus ſuis ſubſequatricibus eundem peſtiferam tabem poſt ſe ſubmitteret.* And *William* the Monk of *Malmeſbury* [u] to the ſame purpoſe. *Non enim Weſt-ſaxones* (ſo are his words) *Reginam vel juxta Regem ſedere vel* Reginæ *appellatione inſignire patiuntur propter malitiam* Eadburgæ *filiæ* Offæ *Regis Merciorum.* And ſo likewiſe both *Matthew* [x] of *Weſtminſter* and *Florence* of *Worceſter*. This cuſtom continued from *Brithric*, all King *Egbert*'s time, who reigned about XXXVII years, but it was broken again by his Son and Succeſſour *Ethelwlph*. For, he having married the Lady *Judith*, Daughter to *Charles* the *Bald* of *France*, uſed ordinarily to ſet her by him in a chair of State, as a Queen. Neither, by reaſon of his ſweetneſs of nature which had endeared him to the State, was he ſo much as taxed for it. Nor did that Law againſt the King's Wife, it ſeems, continue long in force, although in the times of ſome of this *Ethelwlphs* Succeſſours there were a reſpect perhaps had to it. For in ſome memories of King *Edgar*'s reign (he began in DCCCC. LIX.) the Queen is ſtiled only his Wife, or *Legitima Regis conjux*, *or* Cynnincg Gemæcca, that is, *the King's Wife*, and not Queen. In the ſubſcriptions of King *Edgar*'s Charter of Priviledge to Hide Abbey by *Wincheſter*, yet remaining in the ineſtimable Library of that learned and worthy Sir *Rober Cotton*, and written in Letters of Gold in a hand of that Age, his Wife *Ælfthrith* ſubſcribes thus: ✠ *Ego* Elfthrith *legitima præfati Regis conjux meâ legatione Monachos eodem loco, Rege annuente, conſtituens crucem impreſſi*: and alſo, ✠ *Ego* Edgifa *prædicti Regis ava hoc opus egregium crucis taumate conſolidavi*: and other like are of that time. This *Elfthrith* is ſhe whom our ſtories commonly call *Elfrida* or *Elfthrida* Daughter to *Orgar* then Earl or Duke (for thoſe titles were not then diſtinguiſhed) of *Devonſhire* and *Cornwall*. And that *Edgifa* was the third and laſt Wife to King *Edward* Son to King *Alfred*, and Grand-father to *Edgar*: yet by reaſon of that Law touching the King's Wife, ſhe durſt not perhaps ſtile her ſelf other than *the Kings Grand-mother*. For ſo *Ava* as well as *Avia* in thoſe times often denoted. And in the ſame Library is extant alſo a Reformation of the Monaſtique life of both Sexes; titled *Regularis concordia Anglicæ Nationis Monachorum ſanctimonialúmque*, and written in *Edgar*'s Age, wherein he takes care of the Monks, and his Wife of the Nuns, that is, hir ȝemæccean ꝼlꝼ̄ðꝑꝺe or his Wife *Ælfthrith*. And perhaps hence it was that the Wives of great Dukes or Earls of that time in the *Weſt-ſaxon* Kingdom, which, after *Egbert*, had ſoon ſwallowed up the reſt, ſubſcribed by the name alſo of *Conjux*, and not by any name of Dignity, as if they would abſtain from receiving any

t *De geſtis Alfredi Regis.*

u *De geſt. Reg. Ang. lib. 2. cap. 2.*

x *Sub ann. 854. & Choppin. de Doman. Franc. lib. 3. tit. 5. §. 5.*

any communication of Title from their Lords as well as the Kings Wives did from the Kings. For in the year DCCC.LXXX. when *Ethelred* or *Ethered* Duke or Earl of *Mercia* under King *Alfred*, by his [y] Charters gave Land to the Church of *Worcester*, he subscribed by the name of *Dux* and *Patricius*, but his Wife, being otherwise a Princess and Daughter to King *Alfred*, expresses her self in them, only thus. ✠ *Ego Athefled conjux subscribens confirmavi:* and in other Charters only; ✠ *Ego Æthelfled consensi:* yet they are both together stiled Æþpæd ealdorman ⁊ Æðelflæd Mercna hlafordar, that is, *Æthred the Alderman* or *Duke*, and *Ethelfled*, *the Lords of Mercia*, in an instrument of *Werfrid* Bishop of *Worcester*, in the year DCCCC.IV. made to the same Church. But though in expressing the Title of the King's Wife, such respect were (sometimes after *Ethelulph*) had to that old Law; yet it appears that under the same King *Edgar* the Wife was also sometime stiled *Queen* or *Regina*, which, compared with those other Testimonies, shews that as that Law made under King *Ethelulph* was not now in such force but grew obsolete, so on the other side, the expression of her without the addition of *Regina*, remained in some use also through the custom, which that Law, while it was in force, had induced. For the same *Elfthrith* subscribes in a Charter to the Church of *Worcester*, ✠ *Ego* Elfred [z] *Regina consensi & signo crucis confirmavi:* this was in DCCCC.LXIV. and in another to the Church of *Ely*, [a] occurrs *Alfthrith Regina*; both which and the rest shew that the use of *Regina* or *legitima conjux* without it, grew, by this time, promiscuous in the *West-Saxon* Kingdom.

In other Kingdoms of the Heptarchy of that Age, the Title of *Regina* was still given to the Kings Wives. ✠ *Ego Ælfthrith Regina* is subscribed with *Kenulph* King of *Mercia* in the subscriptions [b] of his Charters to the Church of *Worcester*, and ✠ *Sæthrith Regina*, often subscribes with King *Berthulph*, to the same Church. So ✠ *Ego* Cynethryth *Dei gratia Regina Merciorum*, in some other, with King *Offa:* and among the Coins of that Age there is in Sir *Robert Cotton's* invaluable Treasury, one inscribed with CENET. REGIN. on the one side, and EOBA on the other. But that *Ceneth.* is taken for Queen *Cenethrith.* And frequently *Æthelswith* subscribes, *Ethelswith Regina* with *Burghred* King of *Mercia* or *Mercland*, in the old Register of *Worcester.* This *Æthelswith* was Daughter to King *Æthelwulph.* And at her marriage, saith *Matthew* of *Westminster*, [c] *Reginæ nomen promeruit.* There is also a singular example of her in the Chartulary of [d] the Abbey of *Abingdon*, where she alone by Charter gives to one *Cuthwulf* her servant, Lands in *Lacinge*, in these words, ✠ *Ego Etheswith* Regina, *Deo largiente, Merciorum cum consensu meorum Seniorum concedens donabo* Cuthwulfo, *&c.* which is [e] aptly by some used to shew that the Law of *England* then was, that a Queen in this Island might, as at this day, give or contract as a femme sole. And after King *Edgar*, it seems, that Law of the *West-Saxons* utterly vanished and the Wives of the *Saxon* Kings were ever stiled *Queens* or *Reginæ* also. In an Instrument [f] that testifies how *Agelwin* Dean of *Worcester* (*Decanus Wigornensis Ecclesiæ*; so is his Title of that time; but a Prior and Covent then supplied what now the Dean and Chapter do) and his Brother *Ordrique* gave III Cassats of Land in *Cundicotan* to the Monks there, *Edward* the Confessour *ad confirmationem sermonum istorum* subscribes, and then his Queen *Edgith* thus; *Ego Edgith* Regina *consentio.* So in a Charter of King *Knout* to the Abbey [g] of S. *Edmondsbury*, his Wife *Alfgifa* calls her self, *Ego Alfgifa Regina:*

[y] *Regist. Ms. & vetustiss. Eccles. Wigorn. fol.* 7. 29. 31. 211. *&c. in Bibl. Cotton.*

[z] *In Pat. 1. Ed. 4. part. 6. memb. 23.*

[a] *Cart. Antiq. in Arce Lond. B. num.* 11.

[b] *Regist. Wigor. Ms. in Bibl. Cott. & alia ejusmodi sunt in volum. de vitt. Sanct. Angl. ad calcem adjecta ibidem.*

[c] *Sub ann.* 852.

[d] *Bibl. Cotton. fol.* 4. *& in Coll. Æd. Christ. Oxon.*

[e] *V. C. Ed. Coke in præfat. ad lib.* 4.

[f] *Regist. Wigorn. Eccles. vetust. fol.* 166. *Ms. in Bibl. Cotton.*

[g] *Cart.* 4. *Ed.* 3. *num.* 58.

gina: and in a *Saxon* Charter of his to the ſame Church, he ſtiles her myne Queen Ælfgifu, and *Regina mea Alfgifa*, in the *Latine* of it, where he ſpeaks of her giving the Church a Revenue of IV. M. Eeles in Lakingbith. It appears alſo clearly that the *Saxon* Queens were in the later times of that Kingdom, crowned, anointed, and ſet with the Kings in their Seats of State, as other Queens, and ſo that Law or Cuſtom which proceeded from Queen *Ethelburgh*, was ſoon abrogated. The particular Solemnities of their Coronation are yet extant. And their Titles of Queen, their Coronation and anointing (as Dignities communicated from the Kings) have thence continued here, as in other States, to this day.

Divers Prerogatives alſo are allowed in our Laws to the Queen-Wife, as, thoſe of making [h] Gifts or Contracts, or ſuing without the King, and receiving by gift from her Huſband (which no other *femme Covert* may do) having her Courts and Officers as if ſhe were a ſole Perſon; that if the King or ſhe be Plaintiff, [i] the Summons in the Proceſs need not have the ſolemnity of XV dayes, which is extended alſo to their Children, Brothers, Siſters; and *a ſes Parens* (as the words are in the Book called *Breton*) or *eorum parentibus & propinquis*, as *Bracton* ſayes; and ſuch like. It is alſo Treaſon to plot [k] againſt her life. And antiently ſhe had a Revenue of Queen-gold or *Aurum Reginæ*, as the Records call it, that is the tenth part [l] of ſo much as by the name of *Oblata* came to the King.

So in *France* the Queen-wives are, as in *England*, like ſole Perſons; and communicate with the King in his Prerogatives. *Voulons que noſtre Compagne* (ſo are the words of an Edict attributed [m] both to *Henry* II. and *Charles* IX.) *la Roine ait, jovyſſe, & uſe de pareils & ſemblables privileges que nous, & ſoit receve a plaider en noſtre Cour de Parlament par ſon Procureur come nous par le noſtre.* And as with us the Queens Atturny and Sollicitour have place within the Barr with the King's Counſel, ſo there the Queens Procureur general is to ſit with the King's Bailiffs and Seneſchaux. The *French* Queens-houſhold Officers alſo have the ſame Privileges as the Kings: ſo have their Wives and Widows during their lives: ſhe is alſo (ſaith [n] *Servin* the King's Advocate general) exempt from the Laws, *ſoluta Legibus*, as well as the King. Divers and other ſingular Prerogatives the Laws of *France* [o] give to their Queens. Neither for that of Queen-wives being reputed as ſole Perſons in regard of their Eſtate, is the uſe, I think, otherwiſe in any Kingdom.

Many of thoſe Dignities or Privileges alſo are continued to Queen [p] Dowagers, whom the *French* antiently called *Roines Blanches*, in memory (ſayes [q] *Ragueau*) both of *Blanche* of *Caſtile* Queen Dowager of *Lewes* VIII. and Mother to *Lewes* IX. and alſo of *Blanch* of *Eureux* Queen Dowager of *Philip de Valois*, both which were Ladies of moſt ſingular honour among the *French*, and for that reaſon had their names afterward thus honoured in their Queen-Dowagers. But whereas ſome [r] would have it that no Queen juſtly holds the Title longer than during the life of her Huſbands being King, which communicated it to her; it is againſt all uſe, and ſufficiently exploded by learned Doctours that obviouſly ſpeak of it.

Of the Attributes and Names of Empreſſes and Queens, hitherto. What this way may belong to other Ladies, ſucceeds in the ſecond Part. And hitherto of thoſe Eſſential Titles or Nominal Attributes given

h 20 *Ed.* 3. *Non abſtante* 9. *&c. & vide Coke lib.* 4. *fol.* 23. *b.*

i *Bract. lib. de except. fol.* 444. *& Breton fol.* 279. *b.*

k *Stat.* 25 *Ed.* 3. *de proditoribus.*

l Vide *Gervaſ. Tilbur. Ms. in Recept. Scacc. & Acta publica de ea re ſæpius.*

m *Cod. Henr.* 3. *liv.* 18. *tit.* 3.

n *Playdoicz vol.* 2. *pag.* 316.

o *Choppin. de Dom. Franc. lib.* 3. *tit.* 5. §. 5.

p *Charondas ad Cod. H.* 3. *lib.* 18.

q *Des droicts Royaux pag.* 510. *& Paſquier en les recerches de la France liv.* 2. *chap.* 5. *& liv.* 6. *chap.* 33.

r Vide *gl. in c. ſcripſit. queſt.* 27. *& citatos apud Burgenſem Marcum ad leg. Taurin. proœm. n.* 10. *&* 11.

given to supreme Princes, and thus communicated by them. The course first proposed directs the next passage to the more special *Forms of speech* or *Expression* used by them or to them.

CHAP. VII.

I. *The* plural Number, *in the attributes given to* One *only, for a mark of Greatness. How that is communicated to* Inferiours: *the calling of* Superiors, *or* Inferiours *by their proper* Names.

II. Dei Gratia, *or* By the Grace of God, *in the stiles of Supreme Princes; and how communicated, by use, to such as are of a Subordinate dignity.*

III. Majesty *in the attributes of supreme Princes. The use of it deduced into the* Roman Empire. *The use of Appellation of persons by* Abstracts. Majesty *how expressed and used in the* Eastern Empire; *and* Sacred Majesty. Majesty, *and* Grace *attributed to the Kings of* England.

IV. *The attributes of* High *and* Mighty, Most Excellent, Illustris, Super-illustris, *with divers other such. The pompous stiles of the* Greek *and* Mahumedan *Emperors.*

IN those *Forms* of *Speech* or *Expression* that belong more especially to *Supreme Princes* (although also they have been and are variously communicated to Inferiours) as the use of the *Plural Number*, the addition of *Dei Gratia*, *Majesty*, and the like, the first observed here, shall be that of the *Plural Number*, together with the expressions by the Third person when the Second is designed, and that old custom of not naming a Superiour in compellation. Neither is the nature of these *Forms of Speech* other than such that, while they depend not at all on one another, there needs no other method in delivering them than according to the obvious enumeration of them.

I. For that of speaking in the *Plural Number*; it is frequent that *we command*, *we ordain*, *our pleasure*, and the like (both in the second and first person) are attributed to the person of *One* alone being a Monarch. Not either out of any figurative speech in Grammar, which allows that the plural adjective or participle be joyn'd with a singular name, as in *Insperanti nobis* in *Catullus*, and in that of *Tibullus* to his Mistress,

Perfida nec merito nobis inimica merenti.

Nor from the promiscuous use of ordinary persons expressing themselves by verbs and pronouns plural of the first person, but from a singularity or special form belonging to Greatness. Indeed the *Persian* and *Greek* Emperors in *Esther*, *Ezra*, the *Macchabees*, *Hippocrates* Epistles, and such more, often use the singular as well as the plural; as other Emperors and Kings also, in the more antient times.

But

But in the later ages it is otherwiſe; and nothing is more common than *our Princely favour*, *our Royal care*; and in the ſecond perſon *Vobis*, *Veſter*, and the like in expreſſions of or to ſupreme Princes: and from them, as other matters of honour, ſome inferiors often take it by communication. And to this purpoſe, that of the *Jews* is eſpecially obſervable. They ſay that in their language, by reaſon of the plurality of Vertues or Power (being the true roots of dignity) which are ſuppoſed in a Superiour, they uſe the plural number to or of one man. Their *Adonim* is plural, yet often uſed as ſingular. *Every tongue* (ſaith [a] *Abenezra*) *hath its property. As it is honourable in the tongues of* Europe, *for an Inferiour to ſpeak to a Great man by the plural number: ſo in the* Arabick (or *Iſmaelitiſh* as he calls it) *it is honourable for a Great man, as a King, to ſpeak in the plural.* But alſo he transferrs it to the honour of great men in the third perſon. *So likewiſe* (ſaith he) *in the holy Tongue it is honourable to ſpeak of a Potentate plurally, as* Adonim *and* Baalim. *For they ſay* אדנים קשה *Adonim Kaſha*, that is, *Domini durus*, and alſo לקח בעלים *Lachach Baalim*, that is, *Accepit Domini ejus*. And upon this conceit do they interpret the plural of *Elohim* joyn'd with a ſingular verb, which, with us *Chriſtians*, is taken by many for a myſtical expreſſing the holy Trinity. But their Grammarians make it an *Enallage* of Number, chiefly to expreſs excellency in the Perſons, to whom it is referr'd. The uſe of this plural expreſſion in the firſt perſon, is common in Letters, Writs, and Laws of great Princes: and, as ſome [b] note, it is by a uſe of *Spain* proper only to the King himſelf or to his Vice-roves, as, *Nos Don Philippe por la gracia di Dios*, &c. *Nos Don Inigo de Ribera Virey de Naples*, &c. But with us in *England* it is communicated (and alſo in uſe) to divers which are not ſupreme: and I remember I have ſeen ſome Inſtruments made in the firſt perſon by *Margaret* [c] Counteſs of *Richmond*, mother to King *Henry* the ſeventh, thus in the plural, *Nos Margareta Comitiſſa Richmondiæ mater Excellentiſſimi Principis Domini Henrici Regis Angliæ & Franciæ, Domini Hiberniæ*, &c. *Inſpeximus*, &c. And other like often occurr of Earls and of other perſons alſo of good quality, but much inferiour to them, as both in elder time and at this day may be ſeen in Commiſſions and other Inſtruments of Biſhops, Archdeacons, and ſome alſo that are their inferiours. But in the ſecond Perſon it is frequently communicated alſo. Of the *German* Princes, a Lawyer [d] of the Empire ſpeaking of the Emperors writing to them, ſays that, *Duces, & Principes, Conſiliarios, & Doctores non appellant, niſi numero plurativo* (**Ihr, Euch**) *quo tamen numero Nobilem non honorant ſed in ſingulari* (**Du, Dier**) *alloquuti.* This is eſpecially ſeen in the Writs of Parlamentary ſummons directed to ſuch as are in *England* Lords of the Parlament, or called to ſit, with the King and Lords, as Counſellors in Parlament (as the Judges of both Benches, Barons of Exchequer, the Kings Serjeants or other of his learned Counſel) as likewiſe in the Writs of calling Serjeants. Neither, as it ſeems, may that kind of expreſſion be legally and by the ſtyle of the Chancery, uſed in Writs to any that is inferiour to them. For in our year-books, it was adjudged naught, being uſed to the Sheriff of a County. The Caſe was that a [e] *Quare impedit* being brought by the King for the Prebend of *Oxgate*, in the Dioceſs of *London*, the Writ to the Sheriff was, *Præcipite Michaeli de Northumbergam*, againſt which the Serjeants except, as againſt falſe *Latin*. But, ſays *Thorp*, *Falſe Latin it is not, for it*

a *Ad Geneſ.* 1.

b *Sanford. in rudim. ling. Hiſp. vulc. pag.* 57. & *Cæſar. Oudin. in Grammat. Hiſpanicæ pag.* 38. NOS non accipitur aliter ferè quam in ratione Celſi udinis aut dignitatis in caſu nominandi.

c *Rot. Clauſ.* 21. *Hen.* 7. *part.* 2. & 2. *Dorſ.*

d *Joſias Nolden de Statu nobilitatis civilis cap.* 5. §. 2.

e 29. Ed. 3. *fol.* 44.

it is a word of the plural number, *and therefore is of greater reverence; and this is a common fashion for the King to send to a man by the word* Vobis. *But,* says the Counsel on the other side, *a man hath not seen such reverence made to a Sheriff.* And afterward, the Writ was look'd on by the Judges, and they saw it was *Præcipite*, and that it concluded with *Habeatis ibi nomina Summonitorum, &c.* Whereupon it was adjudged that the Writ should abate. But even at that time, and before, as also at this day, by the stile of the Chancery, every summons of Parlament to the Lords, as well Spiritual as Temporal, who have voice and place in the upper House, is, *Vobis sub fide & ligeantia quibus nobis tenemini firmiter injungendo mandamus quod, &c. dictis die & loco personaliter interstitis*, in the plural number; and the like was and is common in the Writs directed to the Judges and others that are called into the upper House to sit as Counsellors: and the like examples are in some other Letters or Writs of the King to Persons of such quality: and the Writ for every Serjeant at Law is; *Quia de* [f] *advisamento Consilii nostri ordinavimus VOS ad statum & gradum servientis ad legem in, &c. suscipiendi, VOBIS mandamus firmiter injungentes quod VOS ad statum & gradum prædictum ad diem illum in forma prædicta suscipiendum ordinetis & præparetis.* But for this of the second Person, it cannot be so observed in all other languages. For both in *English*, *French*, *Italian*, and *Spanish*, the singular and plural in ordinary speech are often expressed alike. But for *Spanish* (as also for the *Italian*) it is observable that in courtship they often decline the use of the second Person, and express it by the third, as, [g] *si el quiere hazer lo*, which literally is, *if he will do it*, for *if you will do it*: so *sua Signiora*, meaning *your Lordship*: and *el suyo*, that is, *His*, rather than *Vuestro* is used by the *Spaniards* though they speak to Inferiors: and *el* or *he* rather than *vos*, which with them though it be plural, yet is not better than *thou* with us.

[f] 6 Ed. 6. Dyer fol. 72.

[g] Grammar. Hispan. apud Sanford. in Rudim. Hisp. ling. pag. 17. & Cæsar Oudin. Grammat. Hisp. pag. 46.

But for particularly Naming *Superiours* or *Inferiors*; there is an antient form (mentioned in *Servius Honoratus*) of expressing names when great persons speak or write to or of their Inferiours, and of avoiding them by Inferiours when they speak or write to or of their Superiours. Inferiours (saith *Servius*) are honoured by their Superiours, if they be named by them when they speak to them. But it is a dishonour to a Superiour to be so particularly named by his Inferiour. He speaks it upon that of *Juno* while she ruminates upon *Æneas* his good fortune:

> ——*méne incœpto desistere victam?*
> *Nec posse Italiâ Teucrorum avertere Regem?*

Juno would not name *Æneas*, but she calls him King only, being her inferiour. *Honorantur enim* (says he) *minores à majoribus si suo nomine fuerint nominati*: ut *Æole* namq; tibi, &c. *contrà contumelia est, si majores à minoribus suo nomine nominantur, ut* Junonis gravis ira *&* pacem te poscimus omnes *Turne, &c.* And this of omitting the particular names of our greater Superiours in the context of speaking or writing in the second person, is frequent enough in the compellations of Kings in the holy story and elsewhere, and in common use at this day.

II. In the Expressions also of great Princes, they are stiled to be so,

Dei Gratia or *By the Grace of God*, which is familiarly seen in the Titles of the Kings of *France*, *England*, *Spain*, *Denmark*, and other of *Europe*. And this is conceived by some as if it were proper only to supreme Princes. So says [h] *Chassanæus*, and therefore he thinks it not competent for the Duke of *Burgundie*, as Duke. So *Rebuffus* a [i] great Lawyer of *France*: and *Lewes* XI. of *France* prohibited *Francis* [k] then Duke of *Bretagne* the use of it, as of that which were unfit for any other than such a Prince as acknowledges no superiour. But indeed, all things of this nature having their being, continuance and lawfulness out of use only, and such consent of persons and times as arbitrarily establishes, enlarges, or restrains them, the truth is, that it is not of it self only proper (nor was it ever so accounted) to supreme Princes, but from them also communicated to their Subjects of greater note, and to such also frequently as are not at all Princes: yet in that communicating of it also, this still is to be observed; that where it hath not been setled in a subject by some lawful Title, there the use of it by him, may justly be conceiv'd for an usurpation upon the supreme dignity on which he depends. For it is taken (it seems) to import in it self as much as an assertion of being independent upon any save *God* himself. But, as some Prerogatives that are of themselves meerly Imperial or Royal, are yet by Grant or Prescription transferr'd into Inferiours, so the use of these words, by either of those ways may be acquired to the stile of a Subject. All which in substance, is judiciously delivered by that great Lawyer of *Spain*, *Marcus* [l] *Salon de Pace*. *Eam* Bartholomæi Chassanæi *opinionem* (saith he) *non veram constanter ipse censeo, & tantum superiorem non recognoscentem dictis verbis uti posse, falsum esse existimo. Siquidem hoc minimè autumo esse de præheminentiis Regum superiori in temporalibus non subditorum. Et quidem Opinio* Bartholomæi Chassanæi *aliquo jure non probatur; & plerúnque contrarium fieri vidimus, & etiam non Principes, in suis titulis, prædictis exordiri verbis; quibus & inveterata immemorialisque consuetudo consentit: quâ etiam Regalia quæri non ambigitur——quo fit à recto & æquo jurisque tramite* Bartholomæum Chassanæum *recedisse cùm arbitratus est, Ducem* Burgundiæ *dictis verbis*, Por la gracia de Dios, *uti non posse, quia superiorem ipse recognoscit: & quidem Regina nostra respectu Ducatus* Burgundiæ *prædicta etiam subjicit verba. Fortassis tamen si aliquis ex hujus Regni Magnatibus dictis uteretur verbis, ab hoc de facto inhiberetur, quia ea ponere minimè consueverunt, & propter Regiam præeminentiam.* And by this reason of his, which relates to *Spain*, it may be conceiv'd with us in *England* and in *France*, that the application of *Dei Gratia* to the stile of any of the lay Peers or Lords should be taken as unjust, being not antiently used and continued among them but restrained to the King only. But there is no necessity to be of his opinion in this, that in that stile of *Johan* Queen of *Castile* (for of her he speaks) the *Por la gracia de Dios*, should have as much relation to her title of Dutchess of *Burgundy*, as it hath to her title of Queen of *Castile*, *Leon*, *Aragon*, &c. There is no necessity of it, in regard only of the expression; no more than the old stiles of the Kings of *England* (when they wrote themselves, according to their possessions, *By the Grace of God Kings of* England, France, *Lords of* Ireland, *and Dukes of* Normandy *and* Aquitain, *and Earls of* Anjou) necessarily import that they were *Dei gratia Duces Aquitaniæ*, &c. The *French King* might as well have quarrel'd at that, as at the stile

h *In Consuet. Burg. &c.*
i *Ad Constit. Reg. tom. 2. & Benefic. ante vac. art. 2.*
k *Bodin. de Rep. lib. 1. cap. 10.*
l *Proœm. Relect. in leg. Taurin. 36.*

ſtile of the Duke of *Bretagne* : all theſe Dutchies and that Earldom being antiently and equally Fiefs of that Kingdom : and the words might very well be ſo conceiv'd, that *Dei Gratia* ſhould relate only to the ſupreme titles and not to thoſe ſubordinate : no otherwiſe than in the ſtile of *William* Biſhop of *Ely* under *Richard* I. the *Dei gratia* had (as I conceive) relation to his being Biſhop only, not to his office of Chancelor or chief Juſtice of *England*, or to his being Legat to the Pope. For thoſe plainly he could not pretend to have otherwiſe than *Regis aut Pontificis gratia.* Thus he [m] uſed to expreſs himſelf *Willielmus* Dei gratia *Elienſis Epiſcopus, Domini Regis Cancellarius, totius Angliæ Juſtitiarius & Apoſtolicæ ſedis Legatus.* The ſame may be ſaid of *John* of *Gaunt*, who wrote himſelf *Dei gratia Rex Caſtellæ & Legionis, Dux Aquitaniæ, Lancaſtriæ*, &c. plainly the *Dei gratia* had reference to his ſupreme title of King only, not to his Dutchies or Earldoms. But for another cauſe it might perhaps have reference to the Duchie of *Burgundy* in that of *Johan* Queen of *Caſtile*; that is, in regard of the Duchie as it is conceived to be a Fief of the Empire of *Germany.* For the cuſtom there, both of antient and the preſent time, is, that their ſubordinate Princes write *Dei gratia* as well as the Emperor. For in the ſtiles of the Archdukes of *Auſtria*, the Dukes of *Saxony*, of *Baviere*, the Counts Palatines of the *Rhine*, the Marqueſſes of *Brandeburg*, and ſuch more, it is obvious, as *Dei Gratia Nos Albertus Archidux Auſtriæ*, &c. and *Dei Gratia Fredericus Comes Palatinus Rheni ſuperioriſque Bavariæ Dux*, &c. and the Landgrave of *Heſſe* hath it familiarly in his Aſtronomical Epiſtles to that great reſtorer of Aſtronomy the noble *Dane*, *Tycho Brahe*; **Wilhelm von Gottes gnaden Landtzgrave zu Heſſen, etc.** that is, *William by the Grace of God Landgrave of Heſſe, &c.* And that which *Andrew Knichen*, Chancelor to the Duke of *Saxony*, ſpeaks of his Maſter touching the uſe hereof, is applicable to all thoſe great Princes of *Germany*. *Cum illud*, ſaith [n] he, *non fiat in deſpectum Domini concedentis, ſed ad Amplificandum Majeſtatem ejus & dignitatis conceſſæ tuitionem, rectè immemoriabili interſtitio Principes noſtri ſæpe dicta locutione* (he means *Dei Gratia*) *uſi ſunt & etiamnum utuntur* : ſo far is that from truth which ſome affirm concerning [o] the Earl of *Flanders*, that the uſe of theſe words is a ſingular prerogative, among Counts, to that Earl only, and that none beſides him might lawfully uſe it. And I remember in the *Turkiſh* ſtories ſome *Baſhaws* uſe this of *Dei Gratia* in their own ſtiles. And the Dukes of *Venice*, who have their power from the State there, yet ſtile themſelves always *Dei Gratia Dux Venetiarum*, as well in their Seals as in their Inſcriptions.

But alſo both in the preſent and elder times, it is frequently in the ſtiles of Spiritual Lords. The titles of Epiſtles in *John* of *Salisbury*, of *Fulbert* Biſhop of *Chartres*, *Gilbert* of *Vendoſme*, *Anſelm*, and divers ſuch more in the elder ages have ſtore of Examples for that matter. And *B. de Blancesfort*, Maſterof the Temple, uſes it in [p] Letters to S. *Lewes* King of *France*. Neither is any thing more common in the Inſtruments of Biſhops and Abbots in the Lieger Books or Chartularies of Monaſteries, yet remaining in divers hands, and in the old Regiſters of the Archbiſhop of *Canterbury*, the Biſhop of *Wincheſter*, and in ſuch more. And for the later time to this day by the ſtile of the Chancery, in the ſummons of our Parlaments and Writs to aſſemble or pro-

m *Mat. Paris pag.* 216.

n *Comm Juris Saxonic Duc. Saxon. cap.* 1.

o *Meyer de Reb. Flandric. & Ortelius in Theatro.*

p *Epiſt. Reg. & Princ. edit. in Tom.* 2 *Geſt. Dei per Franc. pag.* 1176.

rogue the Convocations, the King gives to the Archbishops the attribute of *Dei Gratia*, in this form. *Jacobus Dei Gratia*, &c. *Reverendissimo in Christo Patri prædilectóque & fideli Consiliario nostro* Georgio, eadem gratia *Archiepiscopo Cantuariensi*, &c. But in Warrants and Commissions to them, that of *Eadem Gratia* is most commonly omitted: and in like sort, the other parts of the title being changed, as use directs, are the Writs to the Bishops. And in Writs of some other nature it is [q] in the *Register* and *Fitzherbert* in like form, but not always, given to Bishops. But although it be so given them in the King's Writs, yet at this day they use it not in the first person, but *Dei Clementia* or *Providentia divina*; although in the antienter times, *Dei gratia* be familiarly inserted in their titles.

[q] *V. Regist. orig. fol. 3. a. & b. 42. b. &c. & Fitzh. Nat. &c. fol. 132. & 2 E. &c.*

Touching that use of it by our Bishops in the elder times, there is a merry tale, not unworthy the relation, in *Walter Mapez* his sixth distinction, *De nugis Curialium ms.* remaining in the publick Library at *Oxford*. He tells us, that *Joscelin* Bishop of *Salisbury* under *Henry* II. (in whose time he wrote) when his Son *Reinold* (who was by corrupt means chosen Bishop of *Bath* and *Wells*) complained to him that the Archbishop of *Canterbury* would not consecrate him, advised him thus, *Stulte* (saith he) *velox ad Papam evola securus, nihil hæsitando; ipsiq; bursâ grandi para bonam alapam, & vacillabit quocunque volueris: ivit ergo: percussit hic, vacillavit ille; cecidit Papa; surrexit Pontifex; scripsitq; statim, in Dominum mentiens, in omnium Brevium suorum Principiis. Nam ubi* (so goes *Mapez* on) *debuisset scribi* Bursæ gratia, Dei gratia *dixit: Quodcunq; voluit, fecit. Sit tamen* (saith he) *Domina materq; nostra Roma Baculus in aqua fractus, & absit credere quod videmus.* I do not at all *English* it, lest if I express it in mine own words, some conscious man should take it for a libel against some corruption that he is party to in the present time, But also for the use of it, these Rules are observable, which I find in an old book written some CCC years since, and titled *Rosula Novella*; the author of it being *Petrus de Boateriis* a Lawyer, who stiles himself, in the preface, *artis Notarii ministrorum minimus ac etiam Judex.* They are here delivered as my Copy gives them me, and were collected, it seems, by one that had curiously noted the use of it in that age among persons of dignity both in the Laity and Clergy.

Primò, [r] so are the words, *si scribat* Prælatus, *posito nomine suo, debet dicere* Dei Gratia; *licet Dominus* Papa Servus * Dei, *causâ excellentioris humilitatis, voluerit appellari.*

[r] *Rosula Novella ms. cap. III.*

Secundò, notandum quod nullus Prælatus *quantuncunq; magnus, cum Apostolico* (that is, the Pope) *vel Imperatori vel Regi scribat, debet dicere* Dei Gratia *de seipso, sed hoc modo,* Talis licet indignus *vel* immerens Bononiæ Episcopus, &c.

* *Ita Ms. sed lego* Servorum Dei.

Tertiò, nota quod non debet aliquis cuicunq; scribat, si modicâ prælatione fungatur vel honore, de se dicere Dei Gratia, *quia istud verbum* Dei Gratia *quandam excellentiorem innuit dignitatem.*

Quartò, Nota quod Nullus potest propriè uti isto verbo Dei Gratia *qui in laicali positus est dignitate nisi sit* Imperator *vel* Rex *vel alter qui sui capitis receperit unctionem. Nam tales unguntur oleo sancto; & in Rege potest dici evidentissimè per exemplum; licet quidam servent contrarium in* Ducibus, Marchionibus, Comitibus. *Sed hoc est ex defectu potius dictantium ipsas literas quam ipsorum Marchionum, Comitum, sive Ducum.*

Quintò,

Quintò, nota quod ex parte mandantis Epistolam in Clericis, posito hoc verbo Dei Gratia, *debent adhuc in ejus salutatione ista tria poni, scilicet* Titulus, Ordo, & Devotio. Titulus *est ponendus, id est, nomen Ecclesiæ in qua noscitur esse intitulatus.* Ordo *exigit ut dicatur si sit* Patriarcha, Archiepiscopus, Episcopus, *vel si in alia noscitur dignitate.* Devotio *dici postulatur, quod per hoc verbum* Dei Gratia *dicitur*, licet inutilis & indignus *& maximè à majoribus; licet ab* Imperatore *vel ab* Rege *non ponatur. Possunt etiam hæc omnia Laicis dignioribus adaptari, posito in hoc, loco Ecclesiæ, dignitatis Laicalis nomine, id est, posito nomine Laici mittentis Epistolam, ponatur ejus dignitas, sic,* Marchio Hostiensis, Dux Britanniæ, Comes Arundeliæ, *& sic de cæteris dignitatibus Laicalibus.* By all which it appears that although in those elder times, this of *Dei Gratia* were in use in the the stiles of Lay-Princes * which were subordinate, as well as of Prelates, the Author imputes it rather to the ignorance of the Secretaries of such Lay-Princes than to their own directions; whence also, it seems, *Robert Guiscard* Duke of *Apuglia* and *Calabria*, and afterward King of *Sicily*, acknowledging himself as a Feudatary to Pope *Nicholas* the II. used it in his profession to him not absolutely but qualified with the favour or grace also of the See of *Rome.* For thus he [f] expressed himself. *Ego Robertus Dei & S. Petri Gratia Dux Apuliæ & Calabriæ, &, utroq; subveniente, futurus Siciliæ,* &c.

The antientest use of it, in the Empire, as I remember, is about *Charles* the Great. For in some of his Patents it is inserted. The *Roman* and *Greek* Emperors before him, as I think, used it not. Neither was it constantly observed in the stiles of his Successors till the later ages. *Otho* III. titled himself sometimes nothing but *Servus Apostolorum*, as in one of his [t] Charters to the Church of *Hamburgh*; and in other Charters *Servus Apostolorum & secundum voluntatem Dei Salvatoris Romanorum Imperator Augustus*, as in that of his to Pope *Silvester* II. Other different titles of other of the *German* Emperors since him until the later ages are likewise obvious without this of *Dei Gratia.* But by the *Greek* Emperors, I have not observed it at all used. In stead of it, it seems, they had their Θεοστεφὴς or *à Deo Coronatus*, which implied *Dei Gratia*, but was but now and then used by them: the more ordinary and later expression of them being, by ἐν χριστῷ τῷ Θεῷ πιστὸς Βασιλεὺς, &c. that is, *Trusting in Christ that is God*, or by ἐν Θεῷ Βασιλεὺς ὁ Ῥωμαίων, as I have seen in some Coins of *Leo* VI. and others of the Eastern Empire. But as in the Western there was some use of it after the translation from the *Greeks*, but not such as was fixed as an essential part of the expression until a later age (which may be about CCCC years since) so also in other Kingdoms of Christendom some use of it was very antient, and perhaps near as old as of Christianity in them: but it was not any where fixt by a certain and known stile of the Chancery or observation of Secretaries until about MCC. after the birth of our Saviour. And with us in *England*, *Ine* a *West-Saxon* King that lived many years before *Charles* the Great, uses it; as, Ic Ine mid godes gife rerȝeaxna Cyninȝ, that is, *I* Ine *by the Grace of God King of the West-Saxons*; in the preamble to his Laws: and so do some of his Successors. But until about our *Henry* III. it was not of so constant use as that the stile of the King necessarily required it. And indeed at this day, in stead of it, sometimes *Divina favente clementia*

* *Edward* Duke of *Somerset* Lord Protector to *Edward* the 6. in his Letters sometimes used it. See *Holinshed, pag.* 1237.

[f] *Scipio Mazzella Nelle descrittione del Regno di Napoli, pag.* 420. *& seq.*

[t] *Apud Anonym. in Comment. ad Diplom. Ottonis.* 3 *& vide Baron. Annal. Eccles. ann.* .....

tia * or the like is inserted in Kings stiles, as appears expresly in that diligent and useful collection of Instruments touching the late troubles of *Bohemia*, published by *Gaspar Lundorpius*. And for the use of *Dei Gratia* in the stiles of Persons either of supreme or subordinate dignity, hitherto.

* Videsis *Reflaur. Calstald. de Imp. quæst. 60. & Auream Bullam* Carol. 4. *in initio & de* Dei Gratia *Camill. Borell. de Præst. Regis Catholici cap. 2.*

III. Supreme Princes are also in the second and third Person commonly stiled by that Abstract which designs their Greatness; the name of *Majesty*: as, *Your Majesty*, *His Majesty*, and *His Catholique Majesty* for the King of *Spain*, *Imperial Majesty* or **Keyserlich Majestact** for the Emperor. This came into the Kingdoms of Christendom from the use of it in the *Roman* Empire, where it was as well in the first as second and third Persons given to the Emperors. The word of it self denotes all kind of special Dignity (as if we should say in *English* a *Greaterness*) as well in private Persons as supreme Princes and Deities, which is elegantly delivered by [u] *Ovid*, where he make *Polyhymnia* relate that in the eldest times *par erat omnis honor*, there was no such distinction of place among the Gods but that every one sat any where at pleasure.

u *Fastorum lib. 5.*

Sæpè aliquis Solio quod tu, Saturne, tenebas
Ausus de media plebe sedere Deus.

And that this continued until *Honour* joyn'd with *Reverence*, bred an alteration.

Donec Honor *placidoq; decens* Reverentia *vultu*
Corpora Legitimis imposuêre toris.

Of these two, says he, *Majesty* was born, and she being seated in the highest Throne of the Gods, *Fear* and *Respect* were placed among them. Nor was there a Deity which did not address and compose himself to her: and thence came the distinction and admiration of several Dignities among the Gods.

Hinc sata Majestas, *quæ mundum temperat omnem.*
Quâq; die partu est edita, Magna *fuit.*
Nec mora; consedit medio sublimis Olympo
Aurea purpureo conspicienda sinu.
Consedêre simul Pudor & Metus; *omne videres*
Numen ad hanc vultus composuisse suos.
Protinùs intravit mentes suspectus Honorum.
Fit pretium dignis; nec sibi quisq; placet.

Thus, saith he, Majesty continued among the Gods until the rebellion of the Giants against *Jupiter*; and that, in this rebellion she so daunted them, that afterward she was honoured for it with a place next to *Jupiter*, whose Kingdom she defends by the greatness only of her presence and unarm'd; that she came down also among men; and that since her coming down, both supreme and subordinate Princes, and some also of all kindes have had their special dignity from her presence with them: whence it is that *Majestas Pueri*, *Majestas Matronæ*, *Majestas Virginis* and such like, have denoted

denoted the singular dignity, worth or quality of a Child, a Matron, a Virgin.

Fulmina de cœli jaculatus Jupiter arce
Vertit in auctores pondera vasta suos.
His bene Majestas *armis defensa Deorum*
Restat, & ex illo tempore culta manet.
Assidet inde Jovi; Jovis est fidissima custos
Et præstat sine vi sceptra tenenda Jovi.
Venit & in terras: coluerunt Romulus illam
Et Numa; mox alii, tempore quisq; suo.
Illa Patres in honore suo, Matrésque tuetur
Illa comes Pueris, Virginibúsque venit.
Illa datos fasces commendat, ebúrque curule,
Illa coronatis alta triumphat equis.

Thus *Ovid.* So that *Majesty* generally, denoted the singular quality or dignity of such as were specially eminent among those who otherwise had their degrees of great estimation; as *inter magna ingenia, majoribus verè inest hæc* Majestas: and *inter magnanimos, eorum, qui majori animo res gerunt*, Majestas *lucet*, and so in other particulars. In this sense, *Valerius Maximus* uses it, where he saies, that when *Cato* went out of the Theatre because he would not see the *Mimicks* present themselves naked in it, the Spectatours with great acclamation professed *plus se* Majestatis *uni tribuere quàm universis sibi vindicare.* And, *est & illa*, saith he, *quasi privata censura* Majestas *clarorum virorum sine tribunalium fastigio, sine apparitorum ministerio, potens in sua amplitudine retinenda. Grato n. & jucundo introitu animis hominum illabitur admirationis prætexta velata; quam rectè quis dixerit longum & beatum honorem esse sine honore:* and Examples enough he hath in his Chapter *De Majestate*, for the explication of the word in this sense.

But as it hath happened to many other words (which have been restrained to particular use from a general) so to this of *Majesty.* It became to be applicable chiefly, and in most use that occurrs, to the state of *Rome*, and denoted the supreme dignity of it. *Majestas Populi Romani*, is frequent in *Cicero*, *Quintilian*, and other good Authours, to that purpose, and signifies τὴν Ἀρχὴν καὶ Δυναστείαν τὸ Δήμε τῶν Ῥωμαίων, that is, *The Empire and Power of the People of Rome*, as [h] *Polybius* turns *Majestas Populi Romani.* Afterward this Majesty of the People or of the whole Empire and State, was cast upon the Emperours, and then it was *Majestas Imperatorum.* Neither was it long after the beginning of the Empire but that in Inscriptions to the Emperours, the conclusion grew to be frequent, NUMINI MAJESTATIQUE EJUS DEVOTISS. or DICATISSIMUS, often expressed only by singles, thus; N. M. Q. E. D. And the antientest of this kind which I have observed, is [i] that of *Septimius Acindynus* to the Emperour *Trajan*, remaining yet in *Tarragona* at S. *Barbara's* Church. To the following Emperours many like are obvious. Hence also [k] *Augustalis Majestas* is used by *Justinian* for the Person of the Emperour, and *Imperialis* [l] *Majestas.* And in the first person *Honorius* and *Theodosius* and other use *Nostra Majestas*; as [m] *nostra Majestate Dignitatem consequi*, and *indultum* [n] *nostræ Majestatis oraculum*, and the like.

But concerning the use of this in the Empire, some scruple hath been made upon a passage in *Trebellius Pollio* his lives of the *Galliens.* Speaking

h *In Legation in fœd. Ætolorum.*

i *Gruter. Inscript pag. 246. n. 2.*

k *C. ubi & apud quem l. cum simus 3.*

l *C. de quadriennii præscript. l. bene à Zenone.*

m *C. de silentiariis l. 1. decuriones.*

n *C. de Cohortalib. l. 11 si quis ex grege. vide si placet, Jul. Cæs. Bullinger. de Imperat. Rom. lib. 1. cap. 34.*

ing there of *Valerian*; *Quis alius*, saith he, *potuit esse Valerianus nisi* Gallieni *frater? Constat de genere, non satis tamen constat de Dignitate, vel, ut cœperunt alii loqui, de* Majestate; meaning that it was agreed of what Stock or Alliance *Valerian* was, but it was a doubt whether he had been Emperour or *Cæsar* (or Prince) or designed Successour only, which he expresses by saying, *non constat de Dignitate*, or as others then began to speak, *de Majestate*, as if the name of *Majesty* had then first began to be used in designation both of the Emperours, and of the rest of the greater dignities in the Empire. But it is clear that it was thus used in devotions to the Emperour long before that time; as appears by the Inscriptions before remembred. Neither is there testimony enough to prove that it became now to be applyed to the rest of the greater Dignities, as some learned men would have it. But rather, it is to be understood, that in this Age of *Trebellius* the name of *Majesty* began to be applied as well to the Dignity of the *Cæsar* as of the Emperour, whereas before it was in this kind of sense proper to the Emperour only: as if he had said, *Non constat utrum Dignitas vel, ut cœperunt alii loqui, Majestas ejus Cæsariana fuerit duntaxat an Augustalis seu Imperialis.* The neareſt, in what is publiſhed, to the just interpretation of *Trebellius*, is that of the learned *Claudius Salmasius* upon him; who yet (as far as I conceive him) hath slipt over the full clearing of this passage.

From the use of *Majesty* thus applied, came the name of *Crimen Majestatis*, to denote that offence which was committed against either the Dignity of the State of *Rome*, or against the Emperour. *Majestatis Crimen* (saith [o] *Ulpian*) *illud est quod adversus Pop. Rom. vel adversus securitatem ejus committitur*: and [p] *Cicero*; *Intentio est*, Majestatem *minuisti quod tribunum plebis de Templo deduxisti.* But also, of the Emperour and State together. *Lex Julia Majestatis* (saith [q] *Justinian*) *in eos qui contra Imperatorem vel Rempublicam aliquid moliti sunt, suum vigorem extendit:* and for this offence the word *Majestas* singly is used by *Pliny* in his Panegyrick to *Trajan*. *Hujus tu metum* (saith he, meaning *criminis Majestatis metum*, or the fear of too frequent question upon that crime) *penitùs sustulisti*, *contentus* Magnitudine *qua nulli magis caruere quam qui sibi* Majestatem *vindicabant.*

o *ff. ad leg. Jul Majest. l.1. §.1.*
p *De inventione lib.2. §. 20. & Part. Orat. §.50.*
q *Instit. tit. de Public. Judic. §.3.*

This expression of the Emperours by the Abstract *Majestas* (wherewith *Numen* also was commonly joyned in Inscriptions) became, it seems, the example by which the ensuing times brought in the frequency of those other Abstracts, which designed the Emperours as well in the first as the second and third Person: as *Perennitas*, [r] *Eternitas*, *Tranquillitas nostra*, *Serenitas*, and the like, which are most obvious in the Rescripts of the old Emperours: that remain yet in the two Codes of *Theodosius*, and *Justinian*, besides what is of the same kind in the Novels, the last Book of the Epistles of *Symmachus* and divers such more testimonies. For before the Empire was reduced under one, it was not come into fashion to use appellations of honour or otherwise to any Person, by the Abstract, but in the concrete only; howsoever there be passages in some old Authours that have some taste of such a kind of expression. As in *Homer*, Ἰς Τελεμάχοιο occurrs for brave *Telemachus*, that is, *Telemachus* his strength; and Ἡρακλῆος βίη, the *force of Hercules*, for *strong Hercules*; and

r *De qua vide Furet. Miscellan. ad Symmach. lib. 1. Epist. 89.*

Virtus Scipiadæ & mitis sapientia Læli,

for

for *Virtuous Scipio* and *wise Lælius*, in *Horace*; which denoted them no otherwise in the Abstract than *Appietas* and *Lentulitas* did *Appius* and *Lentulus* in [r] *Cicero*; or as *stupor* did a dull fellow so unworthy of such a Mistress in *Catullus* his

[r] *Fam. Epist. lib. 3. Epist. 7.*

Talis iste meus stupor nil videt nil audit.

But this kind of Language was very rare, and it was far from a received fashion in any kind to use it, before *Numen* and *Majestas* came thus into custom; after which it became very frequent also to express other Persons of Dignity by such kind of Abstracts as the *Præfecti Prætorio*, Proconsuls, and such more by *Sublimitas tua*, *Excellentia tua*, *Celsitudo tua* and the like, which are often met with in both the Codes and the Novels, *Cassiodore* his Formulary, and other old Testimonies. And in the same way came also *Beatitudo tua*, *Sanctitas tua egregia*, *Dignatio tua*, *Præstantia tua*, *Serenitas tua*, and such more in Letters to men of special quality either in the Church or Commonwealth, as we see in divers Epistles among those of S. *Augustine*, S. *Hierome*, in *Cassiodor's* Formulary, *Symmachus* and others both of the antient and later Times to this day: whence also that scornful Letter of *Philip le Beau* of *France* to Pope *Boniface* VIII. hath in stead of *Sciat Sanctitas tua*, *sciat tua maxima fatuitas Nos in Temporalibus Alicui non subesse:* so *Nostra gratia*, *Nostra Pontificalis dignitas*, and such like in the first person have been used among Bishops, for which *Crantzius* taxed them, where he speaks of *Leuderique* Bishop of *Breme* (about the year DCCCXL.) his being noted for a proud man, because he used [t] to title himself *Custos* and *Pastor Bremensis Ecclesiæ*. *Vide*, saith [u] *Crantzius*, *temporum simplicitatem quòd non pterentur* Pastoris *vocabulum*. *Quid facerent si ritum nostræ ætatis ambitiosum cernerent, ubi ex ore Episcopi insonare audirent*, Nostra Gratia, Nostra Pontificalis dignitas, *& reliqua his etiam glorioſiora*. But of this kind of use of Abstracts in the expressions of subordinate Dignities, more in the second Part.

[t] *Adam Bremens. hist. Eccle. cap. 20.*

[u] *Metropol. Sax. lib. 1 cap. 32.*

This Attribute of *Majesty*, in the *Greek* Empire was denoted by their word Βασιλεία. And the Emperour had it with addition of ἁγία, as ἁγία Βασιλεία or *Sacred Majesty*, and sometimes [x] with παναγία Βασιλεία or *Serenissima Majestas*. But also it was communicated to those three *Constantinopolitan* Dignities, the *Despots*, the *Sebastocrators* and the *Cæsars* (of whom more about the beginning of the second Part) and their *Majesty*, in speaking to them, was distinguished from the Emperours by the omission of *Sacred*. But the Emperour had that addition only in the second and third person. For in the first he used only ἡ Βασιλεία μς, that is, *My Majesty*. And that of *Sacred Majesty* is frequent in use to this day both in the Empire and other Kingdoms of *Europe*. But the Latine Translation of *Codinus* out of whom the use of Βασιλεία is specially observable, hath *Regnum* for Βασιλεία in this sense; as also in some passages of the History of *Paulus Diaconus*, turned out of *Greek*, *Imperium* occurrs for Βασιλεία used in the Eastern Empire in the like sense. But that was the mistaking of the Translatours, who knew indeed that Βασιλεία in the antient and purest Interpretation is *Regnum* or *Imperium*, which could not express this meaning of it unless also those two words should be taken in *Latine* to denote (as if you should say) *Kingship* or *Emperourship* in that notion, as we say, your *Lordship*, *Vestra dominatio* or *Vostra Signoria* in common appellation, or

[x] *Vide Codin. περὶ ὀφφικ. & Meursium in Glossar. Græcobarb. verb.* Βασιλεία.

as Θεότης or *Deitas* is and was antiently (as *Numen*) uſed for the *Godhead*, or as if you ſhould ſay, *Godſhip*. And ſince the end of the *Greek* Empire ſwallowed up into the *Turkiſh*, the *Greeks* in their Letters to the Kings of *Europe* uſe this Βασιλεία for *Majeſty*, as I have ſeen in Letters from *Germanus* Patriarch of *Jeruſalem* to our *Henry* VIII. for ſuccour to the diſtreſſed Chriſtians of thoſe Parts: ἐκ ἐκλείψωμεν ἀδιαλείπτως ὑπὲρ τῆς ὑμετέρας καὶ τῶν φιλοχρίστου καὶ εὐσεβοῦς Βασιλείας, that is; *we will inceſſantly pray for your moſt Chriſtian and Religious Majeſty.* Neither indeed have the *Grecians* any fit word to expreſs *Majeſty* as the *Latine* doth. For the *Latine* (whence other Tongues have it) makes it from the Comparative *major*, as if in *Engliſh*, from *Greater*, we ſhould ſay *Greaterneſs*. But the neareſt to it in *Greek* is μεγαλότης, which is not properly *Majeſtas*, but *Magnitudo* only; howſoever in ſome old Gloſſaries it be turned as well by the one as the other, and in a paſſage of S. [y] *Peter* alſo it be in ſome later Tranſlations expreſſed by *Majeſty*, the vulgar there turning the full ſenſe in *Magnitudo*. But alſo as the *Latins*, ſo the *Greeks* had their like Abſtracts of expreſſion, as Γαληνότης ἡμέτερα, for *Serenitas noſtra*, and ſuch more, as is before remembred and appears obviouſly in the Conſtitutions or Reſcripts of the *Greek* Emperours; which alſo was uſed to them, and, by the *Grecians* of later times, to other ſupreme Princes.

y *Epiſt.2.D. Petri cap.1. com.16.*

This of *Majeſty* is every where known at this day as an Abſtract, attributed to Kings and Emperours and their Empreſſes and Queens, and it is diſtinguiſhed by *Cæſarea* or **Keyſerlich** for the Emperour, as by *Catholica* for the King of *Spain*; howſoever ſome have ignorantly enough given that Title to the *Grand Signior* in Letters to him, as I have ſeen in ſome few examples. But the Duke of *Venice* who acknowledges no ſuperiour, uſes it not, but only *Highneſs*, or *Altezza*, or *Celſitudo*. When it began to be of uſe in every particular [z] Kingdom I know not. Neither can I agree with ſome learned men who deliver that it came into uſe, in *England*, in the time of *Henry* VIII. unleſs they underſtand that in his time it was of more ordinary uſe in deſigning the King under thoſe words *of his Majeſty* or *the Kings Majeſty*. For indeed in the moſt uſual expreſſions before (as appears through the Parliament Rolls) *our Lord the King* in the third perſon denoted our Soveraigns. But it is clear that the Kings of the elder times here were often ſaluted by *Majeſtas tua* in Letters to them, as I have ſeen, not only in Letters to *Henry* IV. *Edward* [a] I. and others, but alſo in the Epiſtles of *John* of *Salisbury* to *Henry* II. and ſuch like that infallibly juſtifie it: and in a Letter of Pope [b] *John* XXII. to *Edward* II. or the Third, about *Ireland*, *Magnitudo tua* is in ſtead of it. Neither are we without examples of theſe kind of Abſtracts uſed in the firſt perſon by our Kings, as they were by the Emperours. In the Charter of Creation [c] of *Humfrey* Earl of *Buckingham* into the title of Duke of *Buckingham*, *Conſideravit* noſtra Celſitudo regalis (*ſaith* Henry VI.) inter cæteros *Nobiles & principes* noſtræ Serenitati *ſubjectos &c.* and King *Edward* IV. in his Creation of *Thomas Grey* Earl of *Huntingdon* (afterward Marqueſs of *Dorcet*) begins [d] with *Sciatis quod cum* noſtra Majeſtas Regia *ab immortali Deo poſt maximas de inimicis noſtris partas victorias ad regni culmen & ſolium hereditarium ſublimata exiſtat &c.* But for that of *Sacred Majeſty*, it is true, I think, that in our memory or the memory of our Fathers, the uſe of it firſt began in *England*. Neither is it at all to be regarded that ſome would make it a uſurpation of the Attribute of *Majeſty*, while Emperours [e] or Kings have it; as if it were proper only to God. They might

z *Videſis* I. Fileſacum *in Ecc. Gallicanæ querela. pag.* 11.

a *Regiſt. Peckham (in Archivis Cant. Eccleſiæ) fol.* 45. *&c.*

b *Bullar. tom.* 1. *pag.* 159.

c *Cart.* 23. *Hen.* 6. *membr.* 32. *num.* 33.

d *Cart.* 11. *Ed.* 4. *membr.* 5. *num.* 12.

e *Marc. Anton. Surgens Neapoli. illuſtrat. lib.* 1. *cap.* 19. §. 10.

might as well deny *wisdom*, *Power*, *Clemency*, or any other quality to be attributed to men, because those also, as all else which is *great* or *good*, are primarily in him. The like might be said perhaps in full answer to them who quarrel [f] at *Nostra Divinitas*, *Nostrum Numen*, *Cœleste Oraculum*, *Sacrum Oraculum*, *Adorandum Rescriptum*, and such more, attributed to the old Emperours, and that to *Theodosius*, *Valentinian*, and other who were Christian, both in the first and third person as the matter required. Frequent examples of them occurr in both the Codes: why *Divinitas* and the like may not be as well applied to them as *Divi* or *Dii*, I understand not. Of that matter, something [g] before is noted. And I adde here that of the *Lacedemonian* most ordinary expression when they admired a man; Σὺ Θ ἐσὶν ἀνὴρ, that is, *He is a Divine man*: and it was proverbial (as [h] *Aristotle* shews) among them in *Greece*, that ἐξ ἀνθρώπων γίνονῦ Θεοὶ διὰ ἀρετὴς (ἡρωικῆς) ὀνομαζόμενοι, *Men became to be reputed or called Gods from the excellency of their Heroick vertues*; and these vertues and themselves also were (as he saies) called Divine by way of some similitude, or by reason of participation, with the Deity, being all goodness and excellency, as the contrary quality, that is, inhumanity or barbarousness, is named θηριότης or *Feritas*, because it is most like to what is bestial. So that as he who affirms that a barbarous or inhumane fellow, θηριώδης or Bestial, makes but a high expression of his ill, not at all supposing him to be really a beast, so on the other side *Divinus*, or *divinitas*, or the like, expresses only an admiration of excellency which hath its highest and first example in the *Deity*, and is by some similitude or participation in the person to whom it is attributed. And toward the same sense also [i] *Aquinas*; *Antiquitus rectores Reipublicæ* Divini *vocabantur, quasi Divinæ providentiæ Ministri.* Some other Abstracts, antiently used to Kings, but since made more peculiar to subordinate Dignities, I refer to the second Part.

IV. But also, as in the *Roman* Empire it was a solemn custom to give the Emperour the Titles of *Pius* and *Felix* (which were the most usual) and *Clemens*, *Tranquillus*, *Sanctissimus*, and many other such more, denoting their quality or that which should be their quality, by way of honorary, but arbitrary, addition, with *Pater patriæ* also which was the best of this kind; So in the later times both in the Empire and in other Kingdoms, a like custom is and hath been observed, and that for the most part with superlative attributes given to supreme Princes (and sometimes, as other, communicated to subordinate, whereof more in the next part) in the second or third person, as *Clementissimus*, *Excellentissimus*, *Invictissimus*, *Illustrissimus*, *Serenissimus*, *Gloriosissimus*, *Potentissimus*, *Sacratissimus*, *Celsissimus*, and such more as we see every where both in Inscriptions and Letters and Relations that concern them. *Paulo inusitatior* (saith [k] *Adam Contzen*) *fuit titulus* τῦ Ὑψιστῦ & ὑψηλότητος *seu* Celsitudinis. *Nunc verò inter Christianos Principes usitatissimus. Sumptus verò est ex Apostolo ad Rom.* XIII. *vers.* 1. *ubi vocantur* ἐξουσίαι ὑπερέχουσαι, Potestates supereminentes. *Hoc enim* Celsitudinis *vocabulo indicatur.* Neither of this kind is there any so fixt and common as that of *Most high and mighty*, *Tres-haut & tres-puissant*, *Muy alto & poderoso*, or *Serenissimus & potentissimus*, as it is most frequently used in *Latine*. But for the use of several Ages that may concern this kind of expression by attributes; the variety is such as that it would be a large Volume in a collection, and hardly worth the observation being collected. If any man's curiosity seek it, he may, for the elder Ages of Christianity, turn

[f] *Jo. Filesacus de Idololatria politica cap.* 1.

[g] *Chap.* 4. §. 3.

[h] *Ethic.* 7. *c.* 1.

[i] *Secund.* 2. *quæst.* 99. *art.* 1.

[k] *Politic. lib.* 7. *cap.* 5.

over the Epiſtles of S. *Gregory*, S. *Leo*, S. *Ambroſe*, *Symmachus*, and ſome others that are obvious in the Volumes of that time, where he ſhall meet with thoſe kind of attributes variouſly given to the Emperours. For the middle Ages of Chriſtianity; the Epiſtles of Popes to Kings, extant in the later Editions of the Councels, ſome Epiſtles of *Boniface* Archbiſhop of *Mentz* (and of others, that are in the Volume of his Epiſtles) written to ſome antient Kings eſpecially of *England*, and thoſe in *Hincmar*, *Petrus Bleſenſis*, *Anſelm*, with ſuch more, afford examples here for the ſtiles of that time. And in thoſe Ages is that eſpecial attribute of [l] *Servus Apoſtolorum* found to be taken by the Emperour *Otto* III. And as unuſual is that which *Alfonſo* II. of *Spain* gave himſelf in a Charter to the Church of *Braga*, in the year of our Saviour DCCCXXX. *Ego ſervus omnium Servorum Dei* Adefonſus *Rex Froylani Regis filius*; as out of the Records of that Church, *Prudentio de Sandoval* hath tranſcribed it: where that which is now and long ſince hath been taken as ſingular to the Pope, is uſed by a King, as it was alſo, I remember, by [m] S. *Auguſtine* in ſome of his Epiſtles. But in the examples of thoſe middle times, all attributes of this kind in the ſecond and third perſon to ſupreme Princes were uncertain and much more arbitrary (according to the fanſies of Secretaries) than in the later times, as appears in the later uſes of ſeveral States.

l Vide ſupra *pag.60.& vol. Epiſt. Gereberti Rhem pag.73.*

m *Vide D. Auguſt. Epiſt. 107.*

And firſt for the Court of *Rome*; in the middle times, as alſo in the more antient both in that Court and elſewhere, *Excellentiſſimus*, *Glorioſus*, *Glorioſiſſimus*, *Religioſiſſimus*, and ſuch other attributes were indifferently uſed as appears obviouſly in the Letters of thoſe times. But from about CCCC years ſince, the more ordinary uſe of *Rome* became thus that the Emperours were deſigned with *Semper Auguſtus*. Other ſupreme Kings (and oftimes ſuch alſo as being Kings, were yet conceived to be ſubordinate to the Empire) were called *Illuſtres* [n] in the Popes Letters to them. But after ſuch time as thoſe Titles of *Chriſtianiſſimus* and *Catholicus* were fixed as peculiar to the Kings of *France* and *Spain*, *Illuſtris* gave place to them, and was omitted: as alſo it was when *Fidei Defenſor* was added to the King of *England*'s Title, as you ſee [o] before in the Bull that gave it. Therefore the ſtile of the Court of *Rome*, ſince the fixing of thoſe Titles, hath been in this form, as it was tranſcribed by a Friend there for [p] *Marcus Antonius Surgens*, who thus delivers it.

n *Videſis Mariannam de Rebus Hiſp. lib. 25. cap. 12. de Rege Caſtellæ.*

o *Chap. 5. §. 4.*

p *De Neapoli illuſtrata lib. 1. cap. 19. §. 12.*

In Brevium, ſaith he, *Romana Secretaria*, *Tituli iſti leguntur*, *à fido amico tranſmiſſi. Chariſſimo in Chriſto filio Noſtro* Carolo, *Romanorum* Imperatori *ſemper Auguſto.*

Chariſſimo in Chriſto filio Noſtro Philippo, Hiſpaniarum *Regi Catholico.*

Chariſſimis in Chriſto filiis Noſtris Philippo *Regi &* Mariæ *Reginæ* Angliæ *Illuſtribus.*

where obſerve the Popes omitting the Title of *Defender of the Faith* to Queen *Mary*, becauſe (as I conceive) he ſuppoſed it was taken away by the [q] Bull of Pope *Paul* III. which ſo thundred againſt *Henry* VIII. upon his beginning of the diſſolution of Monaſteries.

q *Laertius Cherubinus Bullar. tom. 1. pag. 619. & ſeqq.*

Chariſſimo in Chriſto filio Noſtro Henrico, Francorum *Regi Chriſtianiſſimo.*

Clariſſimæ

Chariſſimæ in Chriſto filiæ Noſtræ Catharinæ Francorum *Reginæ Chriſtianiſſimæ.*

And it is a vanity that ſome pretend for a reaſon of the dignity of their Kings, becauſe they find generally in the later Ages *Illuſtris* given to them before thoſe other titles fixed on them. Plainly it was the moſt common attribute given at *Rome* to all Kings in the later Ages, before thoſe ſingular Titles fixed on ſome of them.

But this of *Illuſtris* was not conceived to be enough for the Kings of *England*, in their Subjects Letters to them. For commonly (as appears every where in Letters of *Significavit*, of Proxies, of Certificate, and other ſuch written legally by the Biſhops of *England*) our Kings have had the title of *Excellentiſſimo Principi* or *Regi* or *Sereniſſimo ac Excellentiſſimo*, with *Illuſtris* often at the end of the direction. Neither have the Kings of *England* in the later Age uſed to ſalute ſupreme Princes with that bare attribute of *Illuſtris*, though according to the old ſtile of *Rome*, it were antiently often in their Letters as we ſee in the Rolls which preſerve them. But the later ſtile of the *Engliſh* Court is and hath been moſt uſually, according to that of King *James* his Inſcription to his Premonition to all Chriſtian Princes and States (which is the fulleſt example to this purpoſe) where the Emperour is expreſſed by *Sacratiſſimo atque Invictiſſimo Principi ac Domino* Rudolpho *ſecundo Romanorum Imperatori ſemper Auguſto.* Other Kings and free Princes and States, thus, *Sereniſſimis atque Potentiſſimis Chriſtiani Orbis Monarchis ac Regibus, Illuſtriſſimis Celſiſſimiſque Principibus Rebuſpublicis atque Ordinibus, Fratribus, Conſanguineis, affinibus atque amicis Cariſſimis:* the *Engliſh* being, *To the moſt Sacred and Invincible*, for the Emperour; for the reſt, and *To all other right High and Mighty, and right Excellent free Princes and States of Chriſtendom, Our loving Brethren, Conſins, Allies, Confederates and Friends.* And for that of *Sacratiſſimus*, which is the moſt unuſual of any of the reſt; it is an antient attribute of the Emperours, as alſo *Sanctiſſimus.* It occurrs in ſome Inſcriptions of the more flouriſhing time of the Empire, and the Subſcription of the Authenticks, is *Finis Novellarum Domini Juſtiniani Sacratiſſimi Principis*: which Title is likewiſe given him before the beginning of every Book of his Code and of his Inſtitutions, as alſo in the Front of the Digeſts. Other Teſtimonies are of it.

The like attributes for the moſt part were given to ſupreme Princes by the Kings of *Naples*, as appears in their ſtiles of the former age collected by [p] *Scipione Mazzella* out of the Memories of that Kingdom. But ſome fancies have been, that *Illuſtris* is the higheſt and fitteſt attribute of a King, and *Superilluſtris* (ſuch a word they have made) for the Emperor. *Cum in jure noſtro* (ſaith that great [q] Lawyer *Alciat* to this purpoſe) *ex recentiorum traditione quatuor ſunt Dignitatum gradus*, Superilluſtres, Illuſtres, Spectabiles, Clariſſimi; *in his ita diſtingui ſolet, ut* Romanus Pontifex, *itémque* Auguſtus *ipſe Imperator*, Superilluſtres *habeantur*; *quo in numero &* Francorum *Regem collocandum cenſeo cum Imperatoris faſtigium æquet, eique in regno ſuo obſervantiam nullam præſtet. Cæteri verò Reges* Illuſtres *ſint, quo in gradu & eos Duces conſtituendos arbitror, qui Regali poteſtate præfulgent & legibus ſoluti ſunt, nec ex facto* Cæſaris *potentiam reformidant, ut* Mediolanenſis, Auſtriacus, Burgundus, Britannus, *qui &* Brito *eſt.* But (that we may omit here what is ſpoken of Dukes which belongs to the ſecond Part)

[p] *Nella deſcrittione di regno di Napoli pag.* 488.

[q] *De ſingulari certamine cap.* 32. *vide DD. ad l.* 1. *ff. de offic. ejus cui mandat. eſt juriſdictio.* & vide *Lancelot. Conradum, de Duello Concl.* 77.

Part) plainly in this ſenſe of *Alciat*, every King at this day acknowledging no Superiour, as the King of *England* and *Spain*, as well as the *French* King, might equally challenge the title of *Superilluſtris* in their Kingdoms being as ſupreme as the Emperor is or ever was in his Empire: upon which reaſon alſo [r] *M. Antonius Surgens* will have it belong to the King of *Naples*. But [f] *Alciat* dealt more diſcreetly when he delivered (as he had reaſon) that in truth there was no ſuch title as *Superilluſtris* extant ſave only by the invention of ſome barbarous Lawyers.

r *Neapol. Ill. lib. 1. c. 19. & 10.*
f *Diſputt. lib. 3. cap. 4.*

For *France*; there is an old Formulary, *Ou Protocolle pour les Notaires & Secretaires du Roy*, or *a Guidon des Secretaires*, divers times printed in *France*, and written (as it ſeems) under *Charles* VII. near CC years ſince, where for the Emperour, the ſtile which the King uſes, is thus, *Sanctiſſimo & Excellentiſſimo Principi* Sigiſmundo *Dei gratia Regi ſemper Auguſto, Hungariæ, Dalmatiæ Regi fratri Noſtro*, Karolus *eadem gratia Francorum Rex*. To the King of *Spain*. *A haut & puiſſant Prince* Iean *par la grace de Dieu Roy* d'Eſpagne *noſtre treſchier & treſame, Charles, &c.* The like ſtile he gives there to the Kings of *Arragon* and *Scotland*, with the addition of Couſin. And (for what concerns this matter) there is a note or two in that Formulary not unworthy obſervation. *Nota* (ſaith the Authour) *que le Roy parle par Nous à toutes gents & met les Roys, à qui il eſt eſcrit, en teſt & titre devant luy. Et ſe met le dernier pour le Courteſie.* But in ſome [t] editions of it, after thoſe words *toutes gents*, the Pope is excepted by *fors au Pape*. *Nota* (ſaith it alſo) *que le Roy ne ſalut point au commencement les Roys de ſon ſangue comme il faict les autres Roys. Mais vient apres ſon titre à ſa narration*; an example whereof he hath to the King of *Jeruſalem* and *Sicily*, thus; *Charles*, &c. *Treſcher & treſame frere.* But it ſeems he underſtands brothers, by Kings of the blood here, or ſome very nearly allied. For thoſe of *Arragon* and *Scotland* the King ſalutes otherwiſe there, and calls them Couſins. And there is another old direction for the Court ſtile, joyn'd with this Formulary in a book called *Meſlanges hiſtoriques* ſome few years ſince printed at *Troyes*, where after the forms of writing the Kings name in Letters to the Pope, Cardinals, Biſhops and others, this is added for his ſtile to the Emperor and other ſupreme Princes. *Imperatori verò & cæteris Regibus, Rex non ponit ſe nec ſupra nec ſubtus, ſed in prima linea primò ſcilicet nominando Imperatorem vel alium Regem cui ſcribit ut ſic*, Illuſtriſſimo Principi Carolo Dei Gratia Romanorum Imperatori ſemper Auguſto, Carolus eadem gratia Francorum Rex ſalùtem & ſucceſſuum fælicium incrementa, *vel uni alii Regi*, Sereniſſimo Principi Henrico Dei gratia Caſtellæ & Legionum Regi, Carolus eadem gratia Francorum Rex ſalutem & votivis ſucceſſionibus proſperari. *Et ſic ſcribitur Imperatori & omnibus Regibus. In hoc tamen non comprehenditur Rex* Navarræ *quia eſt ſubditus Regis, & ei ſcribitur ſcilicet in clauſula cum cauda, dicendo infra literam, ſupra in margine*, De par le Roy. *Et poſtea incipiendo literam dicitur* tres-cher & tres-ame frere nous avons entendue, &c. *Et extra in Cauda*, à noſtre treſcher & treſame frere le Roy de *Navarre*.

t *Meſlanges Hiſtoriques au Troyes, 1619. pag. 48. b.*

But at this day, the like attributes generally are given in the *French* Court as are uſed in the ſtile of the *Engliſh*; and ſo likewiſe in other Courts of Chriſtian Kings. And in the **Neuw vollkommen Cantzlen und Titelbuch**, that is, *a New perfit Chancery-ſtile and Book of Titles*, printed at *Franckfort*, for a Formulary of the ſtile of the Empire,

pire, in 1590. the Emperor is design'd thus, **Dem Allerdurchleuchtigsten, Grossmachtigsten, Unuberwindtlichsten Fursten und Herrn, Herrn** Rudolphen **Romischen Keyser, zu allen zeiten meherer desz Reichs in Germanien,** &c. **Konig,**&c. **Ertzhertzhog,** &c. **meinem** or **unserm Allergnadigsten Herrn,** that is, *To the most Illustrious, most Mighty, and most Invincible Prince and Lord, the Lord* Rodolph, *Emperor of* Rome, *always* an increaser of his Kingdoms, of* Germany, &c. *King and Archduke. &c. my* or *our gracious Lord,* the word **Unuberwindtlichsten** or *Invincible* being sometimes omitted. The Empresses stile there, being **Der Durchleuchtigsten Furstin unnd Frawen N. Romischen Keyserin, Mehrerin desz Reichs,** &c. **Meiner allergnadigsten Frawen und Keyserinne,** that is, *To the most Illustrious Princess and Lady, the Lady N. Empress of Rome,* Semper Augusta, or *increaser of her Kingdoms, &c. my most gracious Lady and Empress.* Other Kings, as of *Spain, France, Poland, Denmark, Swethland,* and the rest, are, in directions to them, stiled there *Most illustrious and most mighty Princes and Lords,* with the conclusion of **Gnadigsten Herrn** or *very Gracious Lord.*

* Semper Augustus,

But for the stile of *Spain*, between the King and his Subjects; in the year MDXLIX. a book was published to this purpose, called *Estilo de escriver cartas mensengeras cortesanemente, à diversos fines y conceptos con los titulos y cortesias que se usan,* the Author being *Gaspar de Texeda.* In this, the direction is that in Letters to the King of *Spain* (being then the Emperor *Charles* V.) the superscription should be *A la sacra Cesarea Catholica magestad, El Emperador, Rey nuestro Sennor,* and that in Letters to the King of *Portugal* he should be called *Muy alto & muy poderoso Prencepe Rey y Sennor*; and that the same should be used in the inscription of letters to him, *El Serenissimo Rey de Portugal* being added: and the like there is for the Queens of *Portugal* and *France,* with particular forms for the subscription. But their *Cortesias* and giving of titles grew at length (through the affectation of heaping great attributes on their Princes) to such an insufferable form that a remedy was provided against it by the *Pragmatica de los titolos y Cortesias* [u] published the VIII. of October in MD LXXXVI. of our Saviour, by *Philip* the third. Therein it is ordain'd that from thenceforth on the top of all Letters written to the King of *Spain* there should be no other title than *Sennor* or Lord, nor at the end of the Letter any thing more than *Guarde Dios la Catolica persona de vuestra Magestad,* without other subscription than the bare name of him that writes it. That the superscription should be *Al Rey Nuestro Sennor.* That a like form should be used to the Queens of *Spain.* And that the Secretaries in signing should use in stead of *Su Magestad, El Rey Nuestro Sennor,* which are the particulars in it concerning the attributes of the King and Queen; there being besides in it very many other touching Princes of the blood, the Infantas, Dukes and the rest of inferiour Dignities, whereof in the second Part. And a book was since written by one *Juan Vicent Peliger,* and published 1607. at *Caragoça* for direction to write according to this *Pragmatica.*

u *Antonio de Herrera part. 3. de la historia general. libro 2. cap. 9.* And see the general History of *Spain* in *English lib. 31. pag.* 1234. where this *Pragmatica* is at large translated. It is in *Spanish* at large in the second Part. *Chap. 4. §. 10.* See that also of 1593 Printed in the year following at *Madrid,* and another of 1600. made by King *Philip,* the third, which is but the same in substance, and is inserted in the *Quaderno de lo anadido á la nueva Recopilacion,* printed at *Madrid* 1610. *fol. 53. b.*

Hitherto of such attributes, as having short, but full, expressions of Power or Dignity in them, are usually joyn'd with other titles of the Kings of Christendom in the second or third person, with some examples of the elder times in the first, which are long since wholly omitted.

But

But I conceive it not untimely to note here alſo ſomething of thoſe moſt exorbitant and ſwelling attributes, with which the *Mahumedan* Princes (eſpecially they of the Eaſt, and ſome others alſo) moſt commonly load both themſelves and ſometimes alſo other Princes to whom they write. In the Letters of *Achmet* the late *Grand Signior*, to *Henry* IV. of *France*, for confirmation of a league made between them in M D CIV. he is ſtiled thus, as the *French* is tranſlated out of *Turkiſh* and printed with the *Turkiſh* at *Pariſh* M D CXV.

Moy, qui ſuis par les infinites graces du juſte grande & tout-puiſſant Createur, & par l'abondance des Miracles du chef de ſes Prophetes, Empereur des victorieux Empereurs, Diſtributeur des Coronnes aux plus grand Princes *de la terre, Serviteur de deux tres-ſacres et tres-Auguſte Villes* Meque *et* Medine, *Protecteur et Governeur de la Sainct* Jeruſalem, *Seigneur de* l'Europe, Aſie *et* Afrique, *Conquiſes avec noſtre victorieuſe Eſpeé, et eſpouvantable Lance; aſçavoir de Pays et Royaumes de la* Grece, *de* Themiſuar, *de* Boſſena, *de* Seguetuar, *des Pays et Royaumes de* l'Aſie, *de la* Natolie, *de* Caramannie, d'Imadic, d'Egypte, *et de tout le Pays des* Parthes, *de* Cars, *des* Georgiens, *de la Port de* Ferr, *de* Tiflis, *de* Sirvan, *et de Pays du Prince des* Tartars *nommez* Cerim, *et de la Compagne nommeé* Deſt, Cipehac, *de* Chipre, *de* Zeulcaderie, *de* Chereſeul, *de* Diarbequier, d'Alep, *de* Rom, *de* Babylone *demeure des Princes*, *de* Cioufe, *de* Baſera, d'Egypte, *de* l'Arabie *hereuſe*, d'Abs, d'Aden, *de* Thunis, *la* Goulette, Tripoli, *de* Barbarie, *de pluſieurs autres Pays, Villes et Seigneuries Conquiſes avec noſtre puiſſance Imperial, Seigneur des Mers Blanche et Noire, et de l'inexpugnable Fortreſſe* d'Aigria, *de tant d'autres divers Pays, Iſles, Deſtroicts, Paſſages, Peuples, Familles, Generations, et de tant de cent milliers de victorieux gens de guerre qui repoſent ſoubz l'obeyſſance et juſtice de Moy qui ſuis l'Empereur* * Amat *filz de l'Empereur* Mehemet, *de l'Empereur* Amorat, *de l'Empereur* Selim, *de l'Empereur* Soliman, *de l'Empereur* Selim, *de l'Empereur* Bajazet, *de l'Empereur* Mehemet, *de l'Empereur* Amorat, *&c. par la grace de Dieu recours des grands Princes du monde et Refuge des honorables Empereurs, Au plus glorieux magnanime et grand Signeur de la Creance de* Jeſus, *eſleu entre les Princes de la Nation de Meſſie, Mediateur des differens que ſurviennent entre le peuple Chreſtien, Seigneur de Grandeur, Majeſte et Richeſſes, glorieuſe guide de plus Grands,* Henrie IIII. *Empereur de* France, *que la fin de ſes jours ſoit heureuſe.*

* The ſame with *Achmet.*

Theſe

These attributes both to himself and to the *French* King, are such as are ordinarily given, or at least equalled by other like, in most of the Letters of him or his Ancestors that occurr either in the memories of elder times or of this day. For the elder times you may see that example of the *Soldan* of *Babylon* to Pope *Innocent* IV. as we have it in *Latin*, turn'd out of *Arabick* by a Cardinal in *Matthew Paris*.

Præsentiæ Papæ subscriptio; Nobilis Magni spiritualis, affectuosi, sancti, Tertii decimi[a] *Apostolorum, universalis loquelæ Christianorum, manutenentis adoratores Crucis, Judicis Populi Christiani, ductoris filiorum Baptismatis, summi Pontificis Christianorum (confirmet eum Deus et det sibi fœlicitatem) à* Soldano *Potentissimo regnante super colla Nationum, continente duas virtutes Gladii et Calami, possidente duo præcellentia, scilicet Doctrinam et Judicium, Rege duorum Marium, dominatore Austri et Septentrionis, Rege regionis Ægypti et* Syriæ, *&c.*

a This title was given also to *Clement* VIII. by *Gabriel* Patriarch of *Alexandria* in his Letters to him, with *quinto Evangelistar.* also: see *Baronius tom.6.fol.962. edit.Antuerp.*

And for the later Ages, there is store enough of the like in Leagues and Letters extant in the [b] *Turkish* Relations. But to avoid this troublesome stile, it was agreed among other things, in a League of MDCVI. between the Emperour *Rodulph* II. and the *Grand Signior Achmet*, [c] that in all Letters and Instruments between them they should not be stiled by any other additions than by the names of *Well-beloved Father* and *Son*; the Emperour calling the *Sultan*, his *Son*, and the *Sultan* the Emperour (in regard of his years) *his Father*. And that in the beginning of their Letters they might both indifferently take upon them the name of Emperour.

b *Et videsis Sim.Mayol. Dier.Canicular tom.5.colloq.5. pag.1161. de Fœder. inter Hungarum & Turcam.*

c *Mercur.Gallobelgic.Tom.5. lib.4.*

But also even in the eldest memories we have of the titles used by the Eastern Princes, and that before *Mahumedisme*, the like attributes are used by them, as appears at large in * *Theophylactus Symocatta* especially and * *Menander*, both which have noted the many insolent additions by which the Kings of *Persia* expressed themselves about M years since to the Emperours of *Rome*. Of the same kind also are the solemn titles of the King of *Æthiopia* or the *Abassens* (that is, of him we commonly call *Prester John*) as the examples are in *Damianus à Goes*. And both in the elder and declining state of the *Greek* Empire, some of the Emperors there were much taken with this disease of affecting such a vanity in expressing their names, as we see in the front of that Edict of [d] *Justin* touching the *Trinity*, in an example before [e] cited, and in that of [f] *Emanuel Comnenus* to *Frederick Barbarossa*. *Manuel in Christo Deo fidelis Imperator Porphyrogennetus, divinitus Coronatus, Regnator potens, excelsus & semper Augustus & Moderator Romanorum Magnificus, Nobilissimo & Glorioissimo Regi Alemannorum & Imperatori ac dilecto fratri Imperii Nostri salutem.* And sometimes he stiled himself (beside those more ordinary titles, and his surnames from Countries according to the antienter course of the Empire) [g] Θεοκυβέρνητος, κλεινόμος τῶ στέμμα-

* *Histor.Mauric.lib.4.cap.8.*
* *In Excerptis de Legationibus pag.283.*

d *Evagr.lib.5. cap.4 & Nicephor. Callist. lib.17.cap.35.*

e *Chap.2.§.4.*

f *Albertus Stadensis in Chron. ann.1179.*

g *Ex Cameraria apud Henric. Meibomium ad auream Andronici Bullam pag.9.*

τῷ τῦ Μεγάλε Κωνσαντίνε, καὶ νεμόμενῳ πάντα τὰ τότε δίκαια, that is, *Governed by God, Heir of the Crown of* Conſtantine *the Great, and obſerving all his Laws.*

The *Mauriſh* Kings had antiently much of the ſame kind in their ſtiles and to this day uſe it, but not ſo frequently or to that ſwelling ſtore, as the *Grand Signior* or *Preſter John.* In a Charter of *Alboaçen Iben Mahumet* King of *Coimbra* given in the year DCCXXXIV. of our Saviour for the benefit of Chriſtians in his Territory, he [h] ſtiles himſelf *Alboaçen Iben Mahumet, Alhamar Iben Tarif, bellator fortis, vincitor Hiſpaniarum, dominator Cantabriæ Gothorum, & magnæ litis Roderici.* For a later example, you may ſee that of *Mully Hamet*, tranſlated into *Spaniſh* and publiſhed in the *Engliſh* [i] Voyages. And in that ineſtimable ſtore of Sir *Robert Cotton*, I find one of *Abdelmelech Iben Mahomet*, written to Queen *Elizabeth* with a ſuperſcription over it in Letters of gold and in *Arabick*, comprehending that ſolemn beginning of the *Mahumedans, In the name of the merciful God, &c.* beſide ſomething of *Mahumed:* the words of the Letter it [k] ſelf following, thus; *Del ſiervo de Dios que tiene ſu confiança y en todo ſe remite à ſu divin voluntad, El Mir Almumminin Abdelmelech, Il ijo de Mahamet, Xeq de buena memoria, Xarif El Haçeni, Emperador de Marruecos, Rey de Feſſe, de Sus, &c. A la muo alta y muy poderoſa Sennora Donna Elizabeth Reyna de Inglaterra, de Francia, de Irlanda, de Scotia, &c. Salud y Enſalcamiento de vueſtro muy poderoſa y Real Eſtado, &c.* But of all theſe kinds both for *Mahumedan* and *Chriſtian* Princes, the moſt various ſtore is in the Paper-Chamber at *White-hall*, where the greateſt curioſity this way may be fully ſatisfied. The attributes given to thoſe *Mahumedan* Princes and the like (by Chriſtian Princes) are uſually thoſe *Auguſtiſſime, Potentiſſime, Invictiſſime*, and ſuch more.

h *Prudent. de Sandoval in vitis de Rege Favila pag. 87.*

i *Hackluit tom. 2. part. 2. pag. 118.*

k *Dat. 10. Julii 1577. Mateci.*

CHAP.

CHAP. VIII.

I. *Of* Anointing *of* Kings *and* Emperors; *and the use of it in several Kingdoms.*
II. *The use of* Crowns, *as of* Enſigns *of* Royal Dignity. *Of the* Diadem *of antient time*; *and how* Crowns *of* Gold *came into uſe among* Chriſtian *Kings.*
III. *Of a* Scepter, *and the* Globe *with the* Croſs *infixt on it.*
IV. *The* Inauguration *of ſome Supreme* Princes *that uſe no* Crowns.
V. *Some* Ceremonials *of* Coronation.
VI. *A Corollary touching* Precedence *between ſupreme* Princes.

IT reſts only, for ſo much as concerns the order of this firſt Part, that here follow the Ceremonies of Inauguration of Supreme Princes, which alſo comprehend the peculiar Enſigns of their Dignity. The chief ceremonies, for moſt of Chriſtian Princes, being ſupreme Kings, are the *Anointing*, the putting on the *Crown* and receiving the *Scepter* and the *Globe* with the Croſs infixt on it. How theſe are done and with what ſolemnities, is both eaſier and more fully to be learned out of particular Ceremonials of Coronations (ſome of which, as I could furniſh my ſelf with them, and with Warrant inſert them, are here anon tranſcribed) than it can be otherwiſe delivered. The formal part therefore being referr'd wholly to thoſe Ceremonials, we firſt obſerve here the beginnings and progreſs of the uſe of *Oil*, of a *Crown*, a *Scepter* and the *Globe* as Enſigns of Royal dignity, together with a touch of the Inauguration and Royal Enſigns of ſome Princes that uſe no Crowns. And theſe Ceremonials being at length diſpatch'd, we conclude here with a Corollary touching the matter of Precedence between Supreme Princes.

I. For the uſe of *Oil* or Unction at Coronations; to omit that which may be drawn from the making even inanimate things ſacred by powring Oil on them both among the *Gentiles* and *Jews*, whereof there is large teſtimony as well in [a] holy as prophane Writers; it will be plain that Anointing of Kings was of ſuch known uſe in the eldeſt times, that ſolemnly *to declare one to be King*, and *to anoint a King*, in the Eaſtern parts, were but ſynonymies. So is it denoted in *Jotham*'s ſpeech to the *Iſraelites* long before any example of anointing is elſewhere remember'd. Upon the choice of *Abimelech* to be King, *Jotham* (ſo it is in the [b] holy Story) makes a ſpeech in an Apologue to them, with theſe paſſages in it הלוך הלכו העצים למשח עליהם מלך that is, *The trees went to anoint them a King, and* (as it follows) *ſaid to the Olive, reign thou over us*: and again to the Bramble, *Come thou and reign over us*, but the Bramble anſwer'd, למלך עליכם אם באמת אתם משחים אותי *if in truth you anoint me for your King, come* (as the word goes on) *and truſt to my ſhadow.* In ſome *Greek* Copies alſo, that of the ſame ſtory, אבימלך למלך וילכו ומליכו אותו that is, *They went to make* Abimelech King, is rendered thus, πορευθῆναι τοῦ χρίσαι τὸν Ἀβιμελὲχ εἰς Βασιλέα which is, *They went to anoint* Abimelech

[a] *Videſis Caſaubon. ad Baron. Annal. exercit. 14. ann. 32. num. 26.*

[b] *Judic. cap. 9.*

melech *King*. And this was about CC years before the beginning of their Kingdom in *Saul*, who with his Succeſſors were anointed, as alſo was the King of *Syria*, *Hazael*: and *Cyrus* King of *Perſia*, in the holy * prophecie is called *The Lords anointed*, which is a frequent expreſſion of Kings in the Scripture. With what Oil the Kings of the *Jews* (in their eſtabliſhed Kingdom) were anointed, is diſputed among Divines: ſome conceiving that the Kings of *David*'s poſterity were anointed with the holy Oil which was conſecrated for the Prieſts; others, that with common Oil. But the firſt is the more confirm'd opinion, in which alſo it is conceiv'd that though, by the command of the Law, none might be anointed with the holy Oil beſide the Prieſts, yet by ſome diſpenſation with the Law, manifeſted by the Prophets, it was afterward communicated to *David* and his poſterity. And the *Rabbins* deliver as much for a conſtant Cabbal among them, grounding it eſpecially [c] upon that of *Zadok the Prieſt his taking a horn of Oil out of the Tabernacle and anointing Salomon.* They ſay alſo, (as *Genebrard* [d] relates out of them) *unctionem factam formâ* χ *Græcorum, ſive crucis Burgundiæ & decuſſatæ. Solus R. Selomo* (ſaith he) *excipit Reges. Nam eos tradit inauguratos non* σαυροειδῶς, *ſed in modum Coronæ.* And they ſay too, [e] that, by miracle, the holy Oil which was conſecrated in *Moſes*'s time and us'd in this unction, continued without diminution until the Captivity, which is about DCCCC years. But the anointing of the *Jewiſh* Kings and other ceremonies of their inauguration you may ſee more eſpecially in [f] *Pineda*, [g] *Serrarius*, [h] *Salianus Genebrard* in the place before cited, [i] *Fortunatus Scacchus*, and above all, in the learned [k] *Scikartus*, who more largely handle them. Only for that of *Genebrards*, *ſolus R. Selomo excipit Reges, &c.* as if only *Rabbi Salomon Iarchi* (for him he means) were of opinion that the Kings of the *Jews* were anointed round their heads, in the form of a Crown deſcribed upon them; it is certain that the received traditions of the Rabbins (and not his opinion only) is that their King (when he was anointed) was anointed כמין נויד סביב על ראשו *in the form of a Crown round his head*; and that the High Prieſt (for of the Prieſts, only he, and the משוח המלחמה or *the Prieſt anointed for the war* according to *Deuteron.* XX. 2. were anointed) had the form of a Greek *Chi* χ or כי יונית, as they call it, that is a very Croſs, made by one line drawn by the oil running downward on his forehead, and another by anointing him croſs בין ריסי or *between the eye-brows* which plainly deſcribe a rectangular Croſs, though the Greek χ (as now we uſe it) be like that of St. *Andrew*'s, and of oblique Angles. This of the Rabbins, as well for the King as the Prieſt, you may ſee in *Talmud Babylon. tit.* 9. *Cerithoth*, or of the puniſhments of *being cut off*, *cap.* 1. *Rabbi Moſes Ben Maimon ad tit. Keli hamikdoſh* or *of the Veſſels of the Temple*, *cap.* 1. *R. Simeon Keiara*, in *Halacoth Gedaloth fol.* 136. *Col.* 4. *R. Obadiah Mebartenora ad tit. Cerithoth cap.* 1. with divers more. Nor, for the Prieſts, do they that ſay the figure of their anoinment was like a Greek א, mean otherwiſe than they that make it like to a *Chi*. Both thoſe Letters have good reſemblance of what they do deſcribe. Thence is it that *R. David Kimchi* [l] ſays it was כמין קף יונית like a Greek *Caph* or *Cappa*. Neither is it a fault to be corrected in him as *Scikartus* would have it. For even *R. Moſes Ben Maimon* himſelf, who in his *Jad Chazeka*, before cited, makes it like a *Chi*, in his *Piruſh Miſnaioth*, upon the title *Cerithoth*, *cap.* 1. ſays it was like a *Cappa*, meaning in both to expreſs but a Croſs

* *Eſaiæ cap.* 45. *comm.* 1.

c Videſis *Abenezram ad Exod. cap* 30. & 1 *Reg. cap.* 1. *comm.* 39.

d *Comment. ad Pſalm.* 88. *com.* 21.

e *Seder Kodaſchim, tract. Keriſos*: & vide *Lyr. ad* 3. *Reg. cap.* 1.

f *De rebus Salamonis lib.* 2. *cap.* 6.

g *Ad Judic. cap.* 9. & 1. *Regum cap.* 10.

h *Annal. Eccleſiaſt. tom.* 3. *ann. M.* 1962. *c.* 79. & 80.

i *Sacrorum Elæochriſmat. Myrotheciī lib.* 2. *cap.* 53.

k *De Jure Regio Ebræorum cap.* 1. *theor.* 4.

l *Ad Pſal.* 133. *vide nunc* Reſtaur. Caſtald. *de Imperatore quæſt.* 23.

Croſs which the Rabbins, it ſeems, had more mind to deſcribe ſo than expreſly to name.

But from thoſe examples in the holy Story, the Kings of Chriſtendom took their cuſtom of being anointed; touching which in general, and for what hath been conceived to be underſtood by it, *Inunguntur Reges* (ſaith *Thomas Becket* [m] Archbiſhop of *Canterbury*) *in Capite, etiam Pectore & Brachiis, quod ſignificat Gloriam, Sanctitatem & Fortitudinem.* And King *Henry* III. of *England*, being deſirous to know what was wrought in a King by his Unction, conſulted by Letter about it with that great Schollar of the Age [n] *Robert Groſſeteſt* Biſhop of *Lincoln*, who anſwered him almoſt as if his mind had been only on the Unction and Ceremony uſed in the Church of *Rome* in Confirmation. *Quod autem in fine literæ veſtræ nobis mandaſtis, videlicet quod intimaremus quid unctionis Sacramentum videatur adjicere Regiæ dignitati, cùm multi ſint Reges qui nullatenùs unctionis munere decorentur, non eſt noſtræ modicitatis complere hoc. Tamen non ignoramus quod Regalis inunctio ſignum eſt Prerogativæ ſuſceptionis ſeptiformis doni Sacratiſſimi pneumatis, quo ſeptiformi munere tenetur Rex Inunctus præeminentiùs non Unctis Regibus omnes Regias & Regiminis ſui actiones dirigere, ut videlicet non communiter ſed eminentèr & heroicè dono* Timoris *ſe primò, & deinceps, quantum in ipſo eſt, ſuo regimini ſubjectos, ab omni cohibeat illicito; dono* Pietatis *defendat ſubveniat & ſubvenire faciat Viduæ, Pupillo, & generalitèr omni oppreſſo; dono* Scientiæ *Leges juſtas ad regnum juſtè regendum ponat, poſitas obſervet & obſervari faciat, erroneas deſtruat; dono* Fortitudinis *omnia regno adverſantia repellat & pro ſalute Reipublicæ mortem non timeat. Ad prædicta autem præcellenter agenda dono* Conſilii *decoretur, quo artificialitèr & ſcientificè ordo hujus mundi ſenſibilis edocetur; deinde dono* Intellectus, *quo cœtus Angelici ordo dinoſcitur. Tandem verò dono* Sapientiæ; *quo ad dilucidam cognitionem Dei pertingitur, ut ad exemplar Ordinis Mundi & Ordinis Angelici ſecundùm leges æternas in æterna Dei ratione deſcriptas, quibus regit univerſitatem creaturæ, Rempublicam ſibi ſubjectam ordinabilitèr regat tandem & ipſe. Adjicit igitur Regiæ Dignitati unctionis Sacramentum quòd Rex unctus præ cæteris in ſuo genere debet, ut prætactum eſt, ex ſeptiformi ſpiritus munere, in omnibus ſuis Regiminis actibus, virtutibus divinis & heroicis pollere.* And ſome other have conceived this anointing of ſuch efficacy, that, as in Baptiſme all former ſins are waſht away, ſo alſo by this unction, as we ſee in that of *Polyeuctus* Patriarch of *Conſtantinople*, who doubted not but that the Emperour *John Tzimiſces* was cleared, before Heaven, of the death of *Phocas*, through his being anointed Emperour. So is it related in ſome Copies of [o] *Balſamon* upon the *Ancyran* Councel. What others, as Divines, obviouſly diſpute touching this matter of Unction, I omit here. But for that of *Groſſeteſt*, *Cum multi ſint Reges qui nullatenùs unctionis munere decorentur*; it is true that we have it very obvious among the Lawyers, that there were antiently but four [p] anointed beſide the Emperours, that is, the Kings of *Hieruſalem*, of *France*, of *England*, and of *Sicily*. And this they have out of the old *Provinciale Romanum*, the written Copies whereof, are various in the enumeration of the Kings that were ſuppoſed to be not anointed (among which are accounted ſome of thoſe pety ones of *Ireland*, who were clearly Subjects to the Kings of *England*) but they are for the moſt part conſtant to the four, for the Kings anointed. In my Copy it is thus;

m *In Epiſt. ad Hen. 2. apud. Matth. Paris.* Sed videſis *extr. de ſacra unct. c. 1. §. Unde & D. Thom. de Regim. Principum lib. 2. cap. 12.*

n *Robert. Lincol. Epiſt. 127. Ms.*

o *Vide ſupplementum ad* Balſam. *pag. 1125 edit. Pariſ. 1620. &* Vileſac. *de Idololatr. Politic. cap. 9. pag. 73.*

p *Alberic. ad tit. de ſtatu. Hom. l. 1. Reſtaurus Caſtaldus de Imp. queſt. 18. & 19. Anton. Cerſet. de poteſtate Regiâ, part. 4 §. 16. Alvarot. ad Feud c. quis dicatur Dux. Lancellot. Conrad. Templ Judic. lib. 1. cap. 2. §. 3. num. 7. M. Ant. Surgens in Neapol. Illuſtrat. lib. 1. cap. 22. Vide Hoſtienſ. ſumm. tit. de ſacra Unctione & Azor. Moral. inſtit. part. 2. lib. 10. cap. 5.*

De

De Regibus Catholicorum & Christianorum.

Et sunt quidam Coronandi & quidam non. Tamen illi qui coronantur debent inungi; & tales habent privilegium ab antiquo & de consuetudine; alio modo non debent coronari nec inungi sine istis; & si faciunt ipsi, abutuntur indebitè. Et sic incipiunt Nomina Regum Christianorum Fidelium hoc modo.

Rex Hierosolymitanus *Coronatur & Inungitur.*
Rex Francorum *Christianissimus Coronatur & Inungitur.*
Rex Anglorum *Coronatur et Inungitur.*
Rex Siciliæ *Coronatur et Inungitur.*

Then follows a Catalogue of divers other with *Non* at the end of every name. But there is an imperfect Edition of this Provincial that hath no more than only the Kings of *France* and *England* with *inunguntur* added to them, as I find in [q] *Symphorianus Champerius.* And others publish it with a reckoning up of Christian Kings (but in another order) without any mention of anointing or coronation as it is in [r] *Rebuffus.* And in such an old *Provinciale* published at the end of *Cosmas Guimiers* Gloss upon the *Pragmatica Sanctio* of *France* Printed 1621. at *Paris*, the King of *Sicily* is not named with them that are to be anointed, nor indeed with the rest of which there are good store added. *De Regibus etiam Christianis* (so are the words, [f] after the Patriarchs and Bishops) *pauca dicenda sunt. Horum enim quidam coronandi, & quidam non. Illi autem qui sunt coronandi prius sunt inungendi, & habent privilegium ab antiquo. Rex* Hierosolymitanus *coronatur & inungitur. Rex* Francorum *coronatur & inungitur. Rex* Angliæ *coronatur & inungitur. Omnes autem alii, nec coronantur nec inunguntur.* Others also [t] reckon only the King of *Hierusalem* (whom they make the same with the King of *Cyprus*) the King of *France* and the King of *Sicily*, excluding all others from anointment; grossly mistaking, no doubt, by their using some corrupted Copies of the *Provinciale.* But in that old formulary, titled **Formulare und Teutsch Rhetozic**, Printed at *Strasbourg* in 1519. the division of Supreme Princes is quadripartit; into the Emperour, the King of *Romans*, the **vier gesalbt Kunig** and **Gmein Kunig**, that is, *The four anointed Kings* and other *ordinary Kings*; as if those four anointed had been so singularly known by this general designation of them, that no Reader could have doubted who the Authour had meant by them. But whatsoever the custom antiently were, the use of Unction is now become general to the Kings of Christendom, and of so long time since to some other of them, that the credit of the Provincial of *Rome* and of them that follow it, is no other than as the Testimonies of several Kingdoms will stand with it.

In the Empire (as it is conceived by some) it began first at *Constantinople*, and that about *Justinian*'s or his Successour *Justin*'s time. So the most [u] learned *Onuphrius.* *Constantinopoli*, saith he, *vel sub* Justiniano *vel post ejus statim obitum, electioni Imperatoris additum, ut quum primùm Imperator renuntiatus esset, à Patriarcha Constantinopolitano in magna Bizantii Basilica* Oleo unctus *Diademate aureo redimeretur.* And the fashion there was to make a cross with the Oyl on the Emperour's head,

q *Mirabil. divin. & human. vol. 4. pag. 24. b. edit. Lugdun. 1517.*
r *In pravi beneficior. pag. 441.*
f *Pag. 1066.*
t *Felix Malleolus, Dialog. de Nobilit. & Rusticitate, cap. 14.*
u *De Comitiis Imperatoriis cap. 2.*

head, the Patriarch crying aloud in the doing it [x] Ἅγιος, that is, *Sacred*, and the people following him with the same word in their Acclamations. So was the Fashion in the later times of that Empire. But I believe it will not appear that this Anointing was very antient there. Nor find I warrant enough for any such thing in *Justin*'s time. They that suppose it so antient there, draw the use [y] of it from thence into the Western Empire where it began in *Charles* the Great, although before his being Emperour, it were used to some Kings of the Western Parts. Pope *Leo.* III. anointed him, when he was created Emperour. So are the Testimonies of *Siffridus*, of *Anastasius*, of *Manasses* and divers other of the Antients, though many of them omit the Anointing when they speak of his Coronation. But the words of *Manasses*, an Authour of the Eastern Empire, are more especially observable. *Leo*, saith he, crowned *Charles* the Great,

[x] *Cantacuzen. hist. lib. 1. cap. 41. & Georg. Codinus περὶ ὀφφικ. pag. 185.*

[y] *Videsis Onuphr. de Comit. Imperat. cap. 5.*

——ὡς οἱ Ῥωμαίων νόμοι.
ἐμὲ δὲ ἄλλα, χρησάμενος καὶ νόμοις Ἑβραίων,
ἐκ κεφαλῆς μέχρι ποδῶν ἐλαίῳ τέλον χρίει.
ἐκ οἶδα περὶ λογισμοῖς ἢ πίσεως ὑπονοίας.

that is, *as the custom of the* Romans *required. But also following the custom of the* Jews, *he anointed him with oyl from* [z] *head to foot. But what his reason or fancy was in doing so, I know not.* It might with reason enough be conceived that he spake here of Anointing, as of a thing that was not so familiarly known to him to be used at Coronations even in his time which falls under *Emanuel Comnenus* or MCLX. of our Saviour. For he dedicates his Annals to the Lady *Irene* Wife to *Andronicus* who was Brother to *Emanuel.* And perhaps there will not be testimony enough to prove that, before the Age wherein he lived, any use of it was at *Constantinople.* At least if there had been any such antient use, why should he speak, being a Courtier and no stranger to their customs, of it in this place with such an expression of wonder and with relation to the use of the *Jews.* But indeed in that Age of *Manasses* there is memory of anointing [a] of those Eastern Emperours. I remember none before. Neither take I that to be of moment here, which occurrs in *Nicephorus Gregoras* touching the Prerogative of anointing the Eastern Emperour, where he [b] saies that the Archbishop of *Bulgaria* anointed *Theodorus Angelus* (this was about MCXCV.) and that the Emperour *Justinian*, who lived almost M. years since, had honoured that Province, being the Country where he was born, with the name of *Justiniana prima*, and with perpetual Privilege of Supremacy or freedom from the Patriarchat of *Constantinople*, πλὴν ἐφ' ὥσε τὸν Βασιλέα χρίειν Ῥωμαίων· τοῦτο γὰρ ἄλλοις ἐφῆπτο περὶ τῶν νόμων, that is, *but not that the anointing of the Emperours should belong to it, which was a Prerogative elsewhere already by the Law setled*, meaning in the Patriarchs of *Constantinople*; as if the anointing had been a thing excepted in *Justinian*'s Grant. There is no such [c] thing either excepted or granted in those privileges of that Church or in any other of that Age. Nor will this careless passage of *Nicephorus* (a *Grecian* of the later times) justifie any thing for the antient use of Unction in that Empire. But in the Western, it hath continued down from *Charles* the Great till this day: and it was particularly remembred long since [d] by the Emperour *Lewes* II. in an Epistle to *Basilius* the Eastern Emperour, to justifie his own name of Emperour at which *Basilius* had quarrelled.

[z] So also *Landulphus Sagax Historiarum lib. 23.*

[a] *Nicetas Choniates in* Manuele, *& in* Alexio.

[b] *Lib. 2. Hist. pag. 18.*

[c] *Videsis Auth. 131. c. 3. per tempus.*

[d] *Rempert. apud Baron. Annal. 10. ann. 871.*

The

The *French* have a vulgar tradition of their holy Oyl and a viol [c] of it that a Dove brought from Heaven to anoint their King *Chlovis* the first about the D. year of our Saviour, and that *Remigius* or *Remy* then Archbishop of *Rheims* anointed him King with it; neither hath it, they say, yet wasted but remains still at *Rheims*, and is the same with which the *French* Kings are now and ever since have been anointed. For the continuance of it without wasting; they have indeed an example in the *Jews* Tradition of their holy Oyl, which they kept undiminished from *Aaron*'s time till the Captivity. But the truth is, they have not warrant enough to prove that either any Oyl came from Heaven for King *Chlovis*; or if it did, that it was imploied about anointing him King. Divers good Authours of the Antients that speak of him, tell us that he was baptized by *Remigius*, without a word of any Oyl sent him. and [f] *Aimoinus*, [g] *Hincmar*, and whosoever else speak of the Viol of Oyl, refer it only to his Baptisme (in which it was used according to the Ceremony of the time) and not at all to his inauguration. Yet too many of the *French* (and some of the more curious) begin their Regal unction in him. Nor is the device in some Coins of the beginning of this *Lewes* XIII. other than with a relation to the holy Oyl, where a Viol held by a hand out of Heaven is circumscribed with *Francis data munera cœli.* And [h] *Baronius* himself; *Ampullam Chrismatis columbæ ore cælitus advenientis allatam esse, qua tum fons ipse, more solito, tum etiam Rex* Clodoveus *sacratus est, cujus exemplo & reliqui omnes successores Francorum Reges consueverunt inungi.* To the like purpose before him, *Thomas* [i] *Aquinas*, *Antoninus* [k] and [l] divers others (beside the *French*) of other Nations. But the later Ages have bred this fancy. Nor was it thought of as a truth fit to be used for an Argument (and had it been true, it had doubtless been a special one) in the time of King *Lewes* the *Gross*, who reigned about D. years since, when the Controversie was between the Churches of *Rheims* and of *Siens* about his Coronation. The relation of that Controversie is at large extant both in the [m] stories of that time and in *Ivo* [n] Bishop of *Chartres* who as a suffragan of the Province assisted *Dainbert* Archbishop of *Seins* at the Coronation, and the reasons on both sides were urged, but not a syllable of the sending any holy Oyl to St. *Remigius* or of his anointing *Chlovis* King: yet even at that time there was a light opinion of it in *France*, as we see in [o] *Guillermus Brito* that wrote in the same Age, and somewhat before *Lewes* the *Gross* came to the Crown. He, speaking of the Coronation of King *Philip* the first, tells us, that

——*sceptrifero fulsit redimitus honore*
Magnanimus Sacro *Rex delibutus* Olivo
Quo Deus Angelicis manibus virtute parato
Divinâ, nostris concessit Regibus uti.
Ut sacrentur eo soli specialitèr illi
Qui successivè Francorum sceptra capessunt.
Quo major nostri patet excellentia Regni
Dignior ut verè Rex noster Rege sit omni
Quem sacrare suis Remorum *Metropolites*
Cum compræsulibus habet illo Chrismate sacro.
Hoc ad opus solum quod Cœlica fudit Oliva.

Here he will have it, you see, that the Oyl with which the *French* Kings

[c] Choppin. *de Domanio lib. 3. tit. 8. §. 1.* Hieron. Bignon. de l'excellence des Roys *liv. 4.* Gualter. *Chron. sec. 5. pag. 369.* Carolus Grassalius, Ferhault, Genebrardus, &c.

[f] *De gestis Francorum lib. 1. cap. 16.*

[g] *Vita S. Remigii apud* Surium *Vit. SS. 13. Januar. sen tom. 1. pag. 195.*

[h] *Annal. tom. 6. ann. 499.*

[i] *De Regimine Principum lib. 2. cap. 16.*

[k] *Hist. part. 2. cap. 2. tit. 11. §. 7.*

[l] *Azor. Instit. Moral. part. 2. lib. 10. cap. 5.* Contzen. *Politic. lib. 7. cap. 3.* &c.

[m] *Aimoin. de gest. Reg. Franc. lib. 5. cap. 50.*

[n] *Epist. 70. edit. 1610.*

[o] *Philipides, lib. 1.*

Kings used to be anointed, came from Heaven. And for the manner how it came; he saies that the Devil brake the Viol of Oyl which S. *Remigius* held in his hand ready to use it in the Baptisme of King *Chlovis*, and that, the Oyl being so spilt, he obtained by Prayer a supply of it from Heaven,

Quo Rex sacratus fuit idem primus, & omnes
Post ipsum Reges Francorum ad sceptra vocati,
Quando coronantur, Deo sacrantur eodem.

And a little after;

Sic Regem nostrum sibi Rex cœlestis amicat;
Sic super exaltat terræ præ Regibus illum,
Quem facit ut solum Sacra *consecret* unctio cœli
Unguine cum reliqui sacrentur materiali.

But some of their most learned men [p] confess (as they have reason) that they believe it not. The first Testimony indeed that is worthy of credit for any unction of their Kings is that which the stories have of King *Pipin*. He about the year DCCL. was anointed King at *Soissons* by *Boniface* Archbishop of *Mentz*. So say *Regino*, *Sigebert*, *Siffridus*, and enough others of the Antients: and about three years after, both he and his Sons *Charles* and *Carolomann* were anointed at *Rome* by Pope *Stephen* III. *in Reges Francorum* as the Pope [q] himself and the Emperour *Lewes* the First, that lived in the same Age, witness in their Letters yet extant of it. So that none of the first or *Merovingian* Line of the Kings of that Nation (it seems) were ever anointed Kings, but the beginning of that use, was in the *Carolin* stock and hath so perpetually continued. It is true indeed that in the last Will of St. *Remigius* Archbishop of *Rhemes*, who Christened King *Chlovis*, there is, as it is published, a passage that may perhaps seem to evince the anointing of a King, as well as the use of the Oyl at his Christning, or Chrisme at his Confirmation. After divers Legacies and Canons put together concerning that Church, and his greater Comminations against such Persons as should slight his prescribed Government there, *Generi tantummodo regio*, saith [r] he, *quod ad honorem S. Ecclesiæ & defensionem pauperum una cum Fratribus meis & Coepiscopis omnibus* Germaniæ, Galliæ *atque* Neustriæ, *in Regiæ Majestatis Culmen perpetuò regnaturum statuens elegi, baptizavi, à fonte sacro suscepi, donoque septiformis spiritus consignavi, & per ejusdem sacri Chrismatis unctionem* ordinato in Regem *parcens statuo, ut si aliquando Genus illud Regium per benedictionem meam totiens Domino consecratum, mala pro bonis reddens,* should oppose the Church, that then *Princeps ille, quicunque fuerit, moneatur,* and that seven times, after which if he continued disobedient, they should excommunicate him. *Si vero Dominus meus Jesus Christus* (saith he) *vocem orationis meæ quam quotidie pro* genere illo *in conspectu divinæ Majestatis specialiter fundo, audire dignatus fuerit, ut sicut à me accepit, ita in dispositione regni & ordinatione sanctæ Dei Ecclesiæ perseveret, benedictionibus quas Spiritus sanctus per manum meam peccatricem* super caput ejus *infudit, plurimæ super caput* [s] *Illius per eundem spiritum superaddantur, & ex ipso Reges & Imperatores procedant, &c.* But what import those words, *& per ejusdem sacri Chrismatis unctionem ordinato in Regem &c?* Is the context, *Generi regio quod &c. dono septiformis spiritus consignavi & per ejusdem*

[p] *Du Haillan des aff. de la France liv. 1. Till. de rebus Gallicis, lib. 2. pag. 100. & videsis Valles. de dignit. Reg. Hisp. cap. 14. §. 22.*

[q] *Epist. Steph. 2. apud Reginonem sub anno 753. ita Aimoin. lib. 4. cap. 62. & Epist. Ludovic. apud Baronium Annal. tom. 9. ann. 754.*

[r] *Apud Flodoard. Hist. Eccles. Rhemens. lib. 1. cap. 18 & Barnab. Brisson. Formular. lib. 7.*

[s] *Legitur* Illustris, *sed male, apud Aub. Miræum in Cod. Donat. Piarum cap. 1. pag. 12.*

dem ſacri Chriſmatis unctionem ordinato in Regem parcens ſtatuo, to be engliſhed, *For the Royal Family* or *Stock which &c. I have ſealed with the gift of the ſevenfold ſpirit and for him that by the anointment of the holy Oyle of the ſame* (Spirit) *was made King, I ſparingly decree*, &c? or is it thus, *For the royal ſtock which &c. I have ſealed with the gift of the ſevenfold ſpirit, and which is ordained* (taking *ordinatus* for *conſecratus*, or one advanced to the dignity of a Chriſtian, and confirmed in it, or one that *divo conſecratur inſignitus unguine* as [t] *Flodoardus* ſaith of *Chlovis* his being Chriſtened) *by the anointment of the Oyle of the ſame* (ſpirit) *being ſparing* or *tender againſt a King* (or Kings) *I decree?* Some ſuch ſuch ſenſe as this laſt is, I preſume *Aubertus Miræus* had of it when he thus pointed [u] it——*& per ejuſdem ſacri Chriſmatis unctionem ordinato, in Regem, parcens, ſtatuo*: as if he would not have it *ordinato in Regem*, or *being made King*. Or are not thoſe words; *Et per ejuſdem ſacri Chriſmatis unctionem ordinato in Regem* of a later time and (as it often happens) thruſt into the Text, out of the margin of ſome Copy or otherwiſe, by a Tranſcriber? Plainly they ſo diſturb the fair and even reſt of the context, that we may well ſuſpect ſo. For the original of it is not extant. And the beſt Copies (which are in the Records of the Church of *Rhemes*) ſhew it imperfect in that it is dated *die & Conſule ſupradicto*; there being neither day nor year any where elſe mentioned in it. And in truth, for the firſt ſenſe of theſe words; though they might Grammatically bear it, yet the ſtory of the time and the matter endure it not. Neither indeed doth the matter indure that any mention ſhould be here of any one King ſingularly, or that *in Regem* ſhould there denote otherwiſe than collectively *againſt Princes* or *Kings*, or *a King* generally, much leſs that it ſhould have any relation to King *Chlovis*. For plainly King *Chlovis* ſucceeded as heir to his Father King *Childerique* in 485. or thereabouts, and continued a Pagan King about fourteen [x] years, or till his return with Victory out of *Germany*, when he was baptized. So that there was no reaſon that he that was ſo long time [y] before King ſhould now be ſaid to be *ordinatus in Regem*, at the time of his Baptiſme. Neither lived he beyond the year 514. Now S. *Remigius* ſurvived him ſome think [z] thirty year, none under ten year. And it is not likely but he made this Will or recognized it, but little before his Death, and recognized it eſpecially for matters concerning the Kingdom it ſelf, according as they ſtood at his death. At which time, *Chlovis* his Sons, *Theodorique*, *Childebert* and *Clothar* were Kings, and without queſtion were the *Genus Regium* here meant. So that *ordinato* (if the Text be true) muſt have relation to them three, and *caput ejus* in the later words muſt collectively denote their heads as they were alſo anointed in Baptiſme and Confirmation. And in *Regem parcens ſtatuo* muſt be, *I ſparingly or tenderly againſt a King Decree*. But I ſubmit it to better Judgment.

For this Iſland of *Great Britain*; there is ſome teſtimony of Kings being anointed in it, far antienter than thoſe which remain either of the Empire or of *France*. *Gildas* in his Epiſtle *De Excidio Britanniæ* ſpeaking of the Errours in Religion and wickedneſs of the old *Britons*, hath this paſſage of the *Britiſh* Kings of that Age. Ungebantur *Reges* (ſaith [a] he) *non per Deum ſed qui cæteris crudeliores extarent, & paulò poſt ab* Unctoribus, *non pro Veri examinatione, trucidabantur, aliis electis trucioribus*. He lived about M. years ſince; and therefore could not deceive us herein by uſing the phraſe of a later time, as perhaps it may be

t *Hiſt. Rhemenſ. Eccleſ. lib.* 1. *cap.* 13.

u *Pag.* 11.

x *Chronit. Paulo Æmilio ſubnexum &c.*

y Videſis *Hadrian Saravi-ani lib.* 3. *de Imperandi autoritate cap.* 10.

z *Videſis Aub. Miræum ad Cod. Donationum piarum pag.* 14. & *Syrmondi Concilia Gallican. Eccleſ. Tom.* 1. *pag.* 204.

a Eadem ipſa vocabula citantur *ex* Gilda, *à Galfredo Momumeth. lib.* 9. *cap.* 3.

be conceived, the Monk of *Malmesbury* doth in his mention of King *Egfert* Son and Succeſſour to *Offa* in the Kingdom of *Mercia*, about the year DCCXC. *Dulci* (ſo are [b] his words of King *Offa*) *vitam consumpſit otio &* Egfertum *filium, ante mortem ſuam, in Regem inunctum, ſucceſſorem dimiſit.* But it hath been vulgarly taken that the firſt King anointed in *England* was *Alured.* He began to reign in DCCCLXXII. of our Saviour. But his anointing is caſt into the time of his Father King *Ethelulph*, who, they ſay, ſent *Alured* being a Child of five years old, to *Rome* about the year DCCCLIV. where Pope *Leo* IV. anointed him for King. So are the words of *Aſſerius*, that lived in his Court as his Tutor. *Infantem* Alfrepum *oppidò ordinans* Unxit *in Regem, & in filium adoptionis ſibimet accipiens confirmavit.* To the ſame purpoſe *Ethelwerd, Malmesbury, Florence* of *Worceſter, Roger* of *Hoveden*, others. And in the old Rhimes of *Robert* of *Glo.* Ms. it is thus expreſſed.

b *De geſt. Reg. Angliæ lib. 1. cap. 5.*

Alfred this Noblemon, as in the yer of Grace, he nom,
Eyghte hundred and ſixty and twelbe, the Kingdom.
Arſt he adde at Rome yde, and boz is gret wiſedome
The Pope Leon him bleſſede, tho he thuder come,
And the [c] King is Croune of this lond, that in this lond yut is:
And [d] Elede him to be King of Engelond, of all that there come,
That berſt thus peled was of the Pope of Rome,
And ſutthe other after him of the Erchebiſſop echon,
So that bibore him, thur King was ther non,

c Kings crown.
d Oiled.

But it is too hard, as it ſeems, to underſtand, why *Ethelulph* having three elder ſons, *Ethelbald*, *Ethelbert* and *Ethelred*, who were all elder than *Alured*, he alone ſhould be anointed and at thoſe years, and in his Fathers life time, for a King. Therefore *Polydore* ſaies, he was crowned at *Rome* by *Hadrian* II. And boldly, *Quadrare non poteſt*, ſaith he, *ut à* Leone VI. *id decoris ſuſceperit, ſicut quidam, rationi temporis altè indormientes, falsò prodiderunt.* But to maintain it, becauſe it is received from thoſe that lived in *Alured*'s time, *Harpsfield* thinks Pope *Leo* did it by way of divination, that he ſhould be afterward King, although it were, at the time of the anointing, ſomewhat incredible that he ſhould be ſo. *Regia unctione* (ſaies he) *ut olim* Davidem Samuel, *delibutum honeſtavit, quaſi providâ & præſagâ mente quod futurum erat longe poſt, licet eo tempore parum credibile, divinans.* For my part (if there be room here for conjecture) I rather think that as the unction uſed in Baptiſm of King *Chlovis*, was among the *French* made alſo, by tradition, to be an anointing him for King; ſo here the uſe of Chriſme in confirmation (for it appears that at the ſame time Pope *Leo* confirmed King *Alured*) was afterward by miſtaking accounted for Regal unction. For all men know that in Confirmation the forehead was to be anointed with holy Chriſme according to the antient ceremony of it. But howſoever the time when firſt Unction began in the Kings of *England*, may be uncertain; we have very antient teſtimony of the ceremonies of it, and that in the *Saxon* times. There remains in an old imperfect Pontifical of the *Saxon* times, a piece of a Ceremonial for the Coronation of the Kings and Queens of *England*, or of the *Engliſh-Saxons*, of that Age, written in a hand of about DC years paſt, wherein after divers Prayers and Benedictions, this follows for the Anointing.

Omnipotens Sempiterne Deus, Creator ac Gubernator Cœli & Terræ, conditor & dispositor Angelorum et Hominum, Rex Regum et Dominus dominantium qui Habraham *fidelem famulum tuum de hostibus triumphare fecisti;* Moysi *et* Josuæ *Populo tuo Prælatis, multiplicem victoriam tribuisti; humilem quoq;* David *puerum tuum regni fastigio sublimasti eúmq; de ore Leonis et de manu Bestiæ atq;* Goliæ *sed et de gladio maligno* Saul *et omnium inimicorum ejus liberasti, et* Salomonem *sapientiæ pacisque ineffabili munere ditasti; respice propitius ad preces nostræ humilitatis et super hunc famulum tuum illum quem supplici devotione in Regem* Anglorum *vel* Saxonum *pariter eligimus, Benedictionum tuarum dona multiplica. Hunc dextrâ tuæ potentiæ semper ubiq; circunda, quatenus prædicti* Abrahæ *fidelitate firmatus,* Moysi *mansuetudine fretus,* Josuæ *fortitudine munitus,* David *humilitate exaltatus,* Salomonis *sapientia decoratus, tibi in omnibus complaceat et per tramitem justitiæ inoffenso gressu semper incedat. Hic totius Regni* Anglo-Saxonum *Ecclesiam deinceps cum plebibus sibi annexis ita enutriat ac doceat, muniat, et instruat, contraq; omnes visibiles et invisibiles hostes idem potenter regalitérque tuæ virtutis regimen amministret, ut regale solium, videlicet* Anglorum *vel* Saxonum * *Sceptro, non deserat, sed ad pristinæ fidei pacísque concordiam eorum animos, te opitulante, reformet, ut populorum debita subjectione fultus condigno amore glorificatus per longum vitæ spatium, paternæ apicem gloriæ, tua miseratione unita, stabilire et gubernare mereatur. Tuæ quoq; protectionis galea munitus et scuto insuperabili jugiter protectus, armísque cœlestibus circundatus, optabilis victoriæ triumphum de hostibus fœliciter capiat, terrorémq; suæ potentiæ infidelibus inferat, et pacem tibi militantibus lætanter reportet: Virtutibus,* Christe, *hunc quibus præfatos fideles tuos decorasti, multiplici honoris benedictione condecora, et in regimine regni sublimiter colloca, et oleo gratiæ Spiritus Sancti perunge, per Dominum, in unitate ejusdem.*

* Sceptrum.

The Rubrique to this prayer is thus; *Consecratio Regis ab Episcopo qui arcem tenuerit super eum dicenda,* which I understand for the Archbishop. And after the prayer follows this Rubrique. *Hic unguatur oleo & hæc Cantetur Antiphona:* the Anthem being thus.

Unxerunt Salomonem Sadoch *Sacerdos &* Nathan *Propheta Regem in* Gion, *& accedentes dixerunt, Vivat Rex in æternum.*

Quam

Quam sequitur Oratio.

Christe perungue hunc Regem in regimen unde unxisti Sacerdotes, Reges & Prophetas ac Martyres qui per fidem vicerunt regna & operati sunt Justitiam atque adepti sunt repromissiones. Tua sacratissima unctio super caput ejus defluat, atque ad interiora descendat & cordis illius intima penetret, & promissionibus, quas adepti sunt victoriosissimi Reges, gratia tua dignus efficiatur, quatenus & in præsenti seculo feliciter regnet & ad eorum consortium in cœlesti regno perveniat per Dominum.

Alia.

Deus electorum fortitudo & humilium Celsitudo qui in primordio per effussionem diluvii, crimina mundi castigare voluisti et per Columbam ramum olivæ portantem pacem terris redditam demonstrasti, iterumq; Aaron *famulum tuum per Unctionem Olei Sacerdotem sancxisti, et postea per hujus unguenti infusionem ad regendum populum* Israeliticum *Sacerdotes ac Reges et Prophetas prefecisti vultúmque Ecclesiæ:::::::*

There the Copy is defective; nor hath it more that concerns Anointing the King. But after the Ceremonies that belong to the whole Coronation of the King, follows the form of the crowning the Queens also of that age, who were likewise anointed.

Sequitur consecratio Reginæ quæ propter honorificentiam (so are the words of the Rubrique) *ab Episcopo sacri unguinis oleo super verticem perfundenda est et in Ecclesia coram optimatibus cum condigno honore et Regia Celsitudine in Regalis thori consortium benedicenda et consecranda est quæ etiam Annulo pro integritate fidei et Corona pro æternitatis gloria decoranda est.*

The words used at their anointing were,

In Nomine Patris, et Filii, et Spiritus sancti, prosit tibi hæc Unctio Olei in honorem et confirmationem æternam in secula seculorum. Amen.

These are the same that are preserved in the later Ceremonials of *England* (which are in divers hands Ms.) for the Coronations. But most of the Praiers in the later, and divers other parts of the Ceremonies, are different from what remains in this old one.

In the later ages we have memory of a tradition (as good as that of the holy Viol at *Rheims*) of holy or heavenly Oil given to anoint some of our Kings. The blessed Virgin (they say; and I have met it related both by [t] it self as a single story and remembred in very good [u] Authors) gave to *Thomas* Archbishop of *Canterbury* (being in banishment under our *Henry* II.) a golden Eagle full of precious Oil, inclos'd in

t *Anonymus in Biblioth.* Cotton.

u *Thom. Walsingham in init. Hen* 4. & *hist. ms. incipiens sub* 42 *Hen.* 3. *in Biblioth.* Bodleiana *in Hen.* 4.

in a ſtone veſſel, commanding him to preſerve it, and foretelling him *quod Reges Anglorum qui ungerentur hoc unguento, pugiles eſſent Eccleſiæ, & Benigni & terram amiſſam à parentibus pacificè recuperarent, donec Aquilam cum Ampulla haberent.* He for ſafety of it (ſo goes the ſtory) left it in a Monaſtery at *Poiters*, where *Henry* the firſt Duke of *Lancaſter*, under *Edward* III. in the wars of *France*, received it from a holy man (they ſay) that found it by revelation. The Duke gave it the *Black Prince*. He ſent it to the Tower, there to be ſafely kept in a cheſt ſtrongly hoop'd with Iron, where *Richard* II. ſon to the *Black Prince*, in ſearching for his fathers jewels, got it and much deſired to be anointed with it. But the Archbiſhop then, anſwered him, *ſibi ſufficere quòd ſemel per manus ſuas ſacram ſuſcepit in Coronatione priſtina Unctionem, quæ habere non debuit iterationem.* The King notwithſtanding carried it afterward with him into *Ireland*, purpoſing, perhaps, there to have been anointed with it. But, in his return, at *Cheſter* he delivered it to Archbiſhop *Courtney*, confeſſing, that he doubted not but that it was decreed, he ſhould not be anointed with it: and ſo indeed it fell out. For, he was depos'd, and *Henry* the IV. was honour'd with it in his coronation. I examine not the truth of it; let every man's faith in theſe things be, for me, at his own pleaſure.

The like may be ſaid of *Scotland*, where (if you believe *Adamannus* in the life of S. *Colme* or *Columba*; *Columba* lived there about M years paſt, and *Adaman* in the next age) a Ceremonial for regal Benediction or Ordination in that Countrey was delivered to S. *Colme* by an Angel, who according to the preſcript of it (they call'd it *Vitreus Ordinationis Regum liber*) conſecrated King *Aidan*, but whether with Oil or no it appears not in the expreſs words of the ſtory. Yet becauſe it belongs to the matter of inauguration of Kings there and may be interpreted for Anointing among the reſt, it is tranſcribed here. *Alio in tempore* (ſaith *Adaman* [x] of S. *Colme*) *cum vir prædicabilis in* Himbria *commoraretur inſula, quadam nocte in extaſi mentis Angelum Domini ad ſe miſſum vidit, qui in manu* Vitreum Ordinationis Regum *habebat* Librum, *quem cum vir venerandus de manu Angeli accepiſſet, ab eo juſſus legere cœpit. Qui cum ſecundum quod ei in libro erat commendatum,* Aidanum *in Regem ordinare recuſaret; quia magis* Jogenanum *fratrem ejus diligeret; ſubitò Angelus extendens manum, ſanctum percuſſit flagello: cujus livoroſum in ejus latere veſtigium omnibus ſuæ diebus permanſit vitæ; hocq; intulit verbum: Pro certo ſcias, inquiens, quia ad te à Deo miſſus ſum, cum vitreo libro, vt juxta verba, quæ in eo legiſti,* Aidanum *in regnum ordines; quod ſi obſecundare huic nolueris juſſioni, percutiam te iterato.*

[x] D. S. Columba *Scoto Confeſſore lib. 3. cap. 5.*

Hic itaq; Angelus Domini cum per tres continuas noctes eundem in manu vitreum habens codicem apparuiſſet, eademq; Domini juſſa de Regis ejuſdem ordinatione commendaſſet; ſanctus verbo obſecutus Domini ad [*] Iovam *tranſnavigavit inſulam, ibidemq;* Aidanum *iiſdem adventantem diebus ad Regem, ſicut juſſus erat, ordinavit, & inter ordinationis verba de Filiis & Nepotibus, pronepotibuſq; ejus futura prophetizavit: imponenſq; manum ſuper caput ejus ordinans benedixit.* Cummeneus Albus *in libro quem de virtutibus ſancti* Columbæ *ſcripſit, ſic dixit, quod ſanctus* Columba *de* Aidano, *& de poſteris ejus, & de regno ſuo prophetare cœpit dicens. Indubitanter credo* ô Aidane, *quod nullus Adverſariorum tuorum tibi poterit reſiſtere; donec priùs fraudulentiam agas in me, & in poſteros*

[*] I. Ionam.

posteros meos. Propterea ergo tu filiis commenda, ut & ipsi filiis, & nepotibus & posteris suis commendant, ne per consilia mala eorum sceptrum Regni hujus de manibus suis perdant. In quocunque enim tempore malum adversum me, aut adversus cognatos meos, qui sunt in Hibernia *fecerint, flagellum, quod causâ tui ab Angelo sustinui, per manum Dei super eos in magnum flagitium vertetur, & cor virorum auferetur ab eis, & inimici eorum vehementer super eos confortabuntur. Hoc autem vaticinium temporibus nostris completum est in* Belloroth Domnallo Brecco *nepote* Aidani, *sine causa vastante Provinciam* Domnail *Nepotis* Amureg. *Et à die illa usq; hodie in proclivo sunt ab extraneis quod suspiria doloris pectori incutit.* For other testimonies touching Regal unction in that Kingdom, see *Hector Boethius* and *Bucquhanan* in King *Aidan*, John Major *de Gestis Scotorum lib.* 4. *cap.* 11. James Gordon *in Chronolog. tom.* 2. *pag.* 190. Hostiensis *Summæ tit. de sacra Unctione* §. 8. *Azor. Moral. Instit. part.* 2. *lib.* 10. *cap.* 5. with a Letter of Pope *Innocent* IV. to our *Henry* III. touching the anointing of King *Alexander* III. of *Scotland* (for so it must be, doubtless, understood) in a Volume of Bulls and other Instruments of that time, kept in the Receipt of the Exchequer *fol.* 42. *b.*

In *Spain* the first anointed King falls in the year of Christ DCLXXIII. Then was King *Wamba* or *Bamba* (of the West *Gothique* race) anointed by *Quirigo* Archbishop of *Toledo. Ad urbem* Toleti *perducunt*; *ibiq;* per Quiricum *Archiepiscopum* Unctus *& Coronatus est*, saith *Rodericus Santius*, and others [y] that follow him. And in the XII Councel of *Toledo* held about DCLXXX. under *Ervigius* successor to *Wamba*, expres mention also is of anointing this successor. *Etenim sub qua parte vel ordine Serenissimus* Ervigius, *Princeps Regni, conscenderit culmen, regnandiq; per Sacrosanctam* (so are the words) Unctionem *susceperit potestatem, ostensa nos scripturarum evidentia edocet:* and *Wamba* appointed *Ervigius* (so says the Councel) *post se regnaturum & Sacerdotali benedictione* Ungendum. And to that age the *Spanish* writers with others refer the beginning of Regal unction in the Kings of *Spain*. But for *Arragon*; that of Cardinal *Hostiensis*, [z] the great Canonist, is observable. *Si quis Rex inungi nova consuetudine velit, usus & mos obtinuit ut id à* Romano *Pontifice petat sicut fecit Rex Arragonum.* He wrote about the year MCCLX. More of anointing there, you may see in *Valdesius* [a], *Mariolus* [b], and *Azorius* [c] beside the *Spanish* Histories of the succeeding times.

For Anointing the Kings of *Hungary*; there is example in the Coronation of *Vladislaus* II. reported by [d] *Bonfinius*. He was King also of *Bohemia*, and under that name anointed. For in the golden Bull of the Emperor *Charles* IV. given about MCCCL. touching the Electors, the chief place is confirm'd to the King of *Boheme*, *Cum sit Princeps Coronatus & Unctus*, as the words of the *Latin* are, which some say in the *Dutch* Copy is [f] **Wann er ein gesalbter und gekronter Konig ist,** that is, *If he be an anointed and crowned King.* But I find a very great Lawyer of the Empire [g] make the *Dutch* copy agree with the *Latin* thus, **Dieweil er ein gekronter ungesalbter Konig ist,** *Because*, or *in regard he is an anointed and crowned King.* The King of *Poland* also, though he be elective, is anointed; *Unctus inter scapulas*, between the shoulders, saith [h] *Cromer*. For although antiently in the anointing of Kings, the head had a part (as in the example of the Kings of *Israel*) yet in some later Ages especially of Christianity, some of them have had it only

y Vide *Roderic. Toletan. lib.* 3. *cap.* 1. *Marian. de Reb. Hispan. lib.* 6. *cap.* 12. *&c.*

z *In Summ. tit. de sacra unctione* §. 8.

a *De dignit. Reg. Hisp. c.* 14.
b *Dieb. Cantcul. Tom.* 5. *Colloq.* 5. *pag.* 1175.
c *Instit. Moral. part.* 2. *lib.* 10. *cap.* 5.
d *Rer. Hungaric. Decad.* 4. *lib.* 10.
e *Aurea Bull. Carol.* 4. *cap.* 4.
f *Adam Contzen. Politic. lib.* 7. *cap.* 3.
g *Martin. Rumelin. ad Aur. Bull. Carol.* 4. *dissert.* 4. §. 5.

h *Poloniæ lib.* 2.

only on other parts, as appears in that of Pope *Innocent* [i] III. to the Patriarch of *Conſtantinople*, where he ſays, that after ſuch time as our Saviour was anointed *Oleo pietatis præ conſortibus ſuis (qui ſecundum Apoſtolum eſt caput Eccleſiæ quæ eſt corpus ipſius) Principis Unctio, à* capite *ad* brachium *eſt tranſlata, ut Princeps ex tunc non ungatur in* capite, *ſed in* brachio *ſive* humero *vel* armo, *in quibus principatus congruè deſignatur*; *juxta illud quod legitur* Factus [k] eſt Principatus ſuper humerum *ejus*. But for that matter, the Ceremonials of ſeveral States (whereof ſome anon ſucceed here) are to be look'd in. And by ſingular cuſtom (notwithſtanding this rule of the Pope) the Kings of *England* and *France* alſo have been anointed on their heads: ſo expreſly Cardinal *Hoſtienſis* who lived about CCCLX years ſince. *Qualiter Rex inungatur*, ſaith [l] he, *per librum Pontificalem ſeu Ordinarium poteris edoceri. Sed & conſuedo antiqua circa hoc obſervatur. Nam Regum* Franciæ & Angliæ Capita *inunguntur*. And, of Anointing hitherto.

i *Extr. de ſacra Unct. §. unde.*

k *Eſay cap. 9. 6.* de quo loco videſis *Tertull. adverſ. Judæos cap. 10.*

l *Summ. tit. de ſacra Unctione. §. 8.*

II. For Royal and Imperial *Crowns* or *Diadems*; However thoſe names have been from antient time confounded, yet the Diadem ſtrictly was a very different thing from what a Crown now is or was. And it was no other than only a Fillet of ſilk, linnen, or ſome ſuch thing. Nor appears it that any other kind of Crown was uſed for a Royal Enſign, except only in ſome Kingdoms of *Aſia*, but this kind of Fillet, until the beginning of Chriſtianity in the *Roman* Empire. Neither is it to be regarded that ſome learned men take King *Latinus* his Crown or Helm radiant in [m] *Virgil* for a note of his being a King;

m. *Æneid. 12.*

——*ingenti mole* Latinus
Quadrijugo vehitur curru, cui tempora circum
Aurati bis ſex radii *fulgentia cingunt*,
Solis avi ſpecimen.

Plainly this was a note of his Diſcent or Family, not of his royal dignity. For as in the elder times of the flouriſhing *Roman* Empire, the Crown radiant or *radiatum Caput* (whereof more preſently) was a character of being accounted as a God, ſo in the heroick times it was a note of a diſcent from a God or rather eſpecially from *Phœbus* who, in the more real divinity of the *Gentiles*, included almoſt all the Gods. And thence is it that *Virgil* calls this radiant Crown *Solis avi ſpecimen*, *Latinus* being ſon to *Circe*, that was daughter to *Phœbus*. And the ſame wearing was accounted peculiar to *Phœbus* and his poſterity; as we ſee in that ſpoken to him by the Lady [n] *Philologie*, at her wedding of *Mercury*.

n *Mart. Capella de Nuptiis, &c. lib. 2.*

——*radiiſque ſacratum*
Bis ſenis perhibent caput aurea lumina ferre
Quot totidem menſes, totidem quod conficis horas.

Of this juſt number of the rayes alſo, [o] *Artemidorus* gives us teſtimony. And upon the ſelf ſame reaſon is it that in thoſe Argonauticks attributed to *Orpheus*, it is ſaid of *Æetes* King of *Colchos*;

o *Oneirocritic. lib. 4. c 51.*

——Σὺ-

——Στεφάνῳ ἔχε δυσαρέσκειαν
Ἀκλιζιν φλογέας——

that *he had on his head a radiant Crown* or *Helm*: for so στέφανη in *Greek*, as also *Corona* in *Latin*, indifferently signified among the Antients. He had it not, as a distinguishing note of royal dignity, but as he was son to *Phœbus*: and other passages of like nature are so to be interpreted. The eldest time whereto we find a royal Crown or Diadem attributed, is the age of that King *Pharaoh* to whom *Moses* being an Infant was brought by his daughter *Thermutis*. *Pharaoh* (says [p] *Josephus*, I think out of *Manetho*) put his Diadem upon the child's head, and the child cast it to the ground and spurn'd it from him. Of what it was made we cannot be sure, nor have we more than that bare relation of it. But the antientest mention of a royal Crown is in the holy story, in that of the *Amalekites* [q] bringing *Saul*'s Crown to *David*: where it is called נזר *Nezer* being the same word by which the Crown of the high Priest is denoted [r] in *Moses*. Some of the *Greek* have it turn'd by βασίλειον, as if you should say *the royal Ensign*: in others διάδημα *Diadema*, renders it: the same word being used also in the vulgar. But *Josephus* [s] calls it βασιλικὸν στέφανον and στέφανον absolutely. What kind of thing it was, cannot be learned from that Text. And if we should conjecture only by the use of other Kings of those parts of *Asia* (in the ages that are much later than *Saul*) we might as well think it had been the Fillet only as any other of metal, in regard both kinds were in use in those parts, as we presently shew, and both equally called *Diademata*. But if also what occurrs afterward in the holy story touching *David*'s crown, may perswade us that this of *Saul* was of the same nature; it must follow that it was of Gold and Stones. For it appears that *David* out of the spoils of the *Ammonites* had such a Crown. The words are [t], as they are commonly turned in the later translations, *And he took their King's Crown from his head (which weighed a talent of gold, with precious stones) and it was set on* David's *head*: the same relation being in another passage [u] of Scripture and almost in the same syllables in those translations which disagree not from the original: and to the same purpose *Josephus*; whose [x] Interpreter yet renders him not where he says, that *David capite gestare solitus est hanc coronam*. *Josephus* saith only that ἐφόρει γ' αὐτὸν ὅτι τὴν κεφαλῆς, *he bare it on his head*, not that he used to wear it. For, the weight of it being an *Hebrew* talent of gold (which is of our money near 4500 l. and about 120 l. weight) it was impossible he could use to wear it. And therefore some will have it that the setting of it on his head was but by holding it over or near his head, as if it had been by himself clearly insupportable. But then why had the King of *Ammon* such a Crown? and how did he wear it? Some most learned men [y] take the holy story otherwise, and conceive that it was not the Crown of that *Hanun Ben Nahas* King of *Ammon* (whom *David* conquer'd) but of the *Ammonites* Idol *Melchom* or *Molchom* (the same with *Moloch*) from the head of whose statue this Crown might be then taken; and that the Crown which *David* put on his head, was one made out of it. And indeed the syllables of the Text are ויקח את עטרת מלכם מעל ראשו *Waiiæcak eth-æthereth Melchom meail roſho*, that is (or may be understood to be so) *and he took the crown of* Melchom *or* Malchom *from his head*. For that word, which as an appellative signifies *their King*, as a proper name

[p] *Archæolog. lib. 2. cap. 5.*
[q] *2 Sam. cap. 1. com. 10.*
[r] *Exod. cap. 29. com. 6.*
[s] *Archæolog. lib. 6. cap. ult. & lib. 7. cap. 1.*
[t] *2 Sam. cap. 12. com. 30.*
[u] *1 Paralip. cap. 20. com. 2.*
[x] *Archæolog. lib. 7. cap. 7.*
[y] *Vide Jos. Salian. Annal. Eccles. tom. 3. anno 2999. n. 33. & 34. & Baron. tom. 3. ann. 337. pag. 407. edit. Antwerp. 1593.*

name denotes their Idol, as we see also in other passages of the holy story. Neither do some of the Copies of the *Greek* translation otherwise give us this place than by using the word *Melchom*, and besides interpreting it as an appellative by τῦ Βασιλέως αὐτῶν. And the vulgar also in one of these passages, *Tulit* David *coronam* Melchom *de capite ejus & invenit in ea auri pondo talentum & pretiosissimas gemmas.* And for justification of their conceits who think he wore it not, but made him one out of the richness of it; the words expressly follow *fecitque sibi inde Diadema*, the *Hebrew being* ותהי ער ראש דויד *& fuit super caput David*, which yet in that place *Munster* turns *ordinataq; est pro capite David.* But however, it shews that this Crown, which *David* used here, was of gold and set with jewels. And *Clemens Alexandrinus* says generally of the Royal Crowns used by the Kings of *Juda* and *Israel*, that they were so: ἴσμεν δὲ (so are [z] his words) ἐγὼ χρυσῷ καὶ λίθῳ τιμίῳ τοὺς παλαιοὺς τῶν Ἑβραίων ἀναδεδεμένους Βασιλεῖς, *I know that the antient Kings of the* Ebrews *had their Diadem of gold and rich stones.* And this was set on their heads by some inaugurations by [a] the high Priest who also anointed them. They used it till the Captivity, after which, about CCCC LXXX years no Governour in that Nation wore it, until [b] *Aristobulus* began again to use it about C years before Christ, whence it continued on their Kings till it ended in *Agrippa* about *Vespasian*'s time. But *Justus Tiberiensis* that wrote a Chronicle of the *Jews* down to this *Agrippa*, and lived in *Agrippa*'s time, titled it, Ἰουδαίων Βασιλέων τῶν ἐν τοῖς στέμμασι, or, *Of the Jewish Kings that were crown'd. Photius* remembers him. For his book is not extant.

z *Paedagog. lib. 2. cap. 8.*

a *2. Reg. cap. 11 comm. 12.*

b *Joseph. Archæol. lib. 13. cap. 19.*

Touching other of the antientest Kingdoms whereof we have testimonies left to this purpose; in some of them the Kings had Crowns of gold and also their Fillets. In others, only Fillets. Of the first kind, were the *Persian* Kings whose Fillets circled their heads upon a *Tiara* which was a long Cap of such a kind as that every man there wore one, as we do hats. But none might wear it upright save only the King or by some extraordinary indulgence of honour from him. In others, it [c] bended forward. The Antients are full of passages that shew this of the Diadem or Fillet, and the *Tiara* or *Cidaris*. But it is to be observed that oft-times while they speak of the *Persian* Kings with special relation to their Royal Dignity, the word *Cidaris* or *Citaris* is absolutely taken for the *Regium Persarum Insigne* (so *Curtius*, *Plutarch*, *Arrian*, *Agathias*, and some others) as if they plainly included in it both the *Tiara* and the Diadem together, no otherwise than as we ordinarily, by some general word, shortly denote an individual which we suppose known to all men; as when by the name of the Crown generally, or of the Purse generally, or of the Seal generally, we mean the Kings Crown, the purse with the great Seal, and the great Seal of *England*. And sometimes it is with a little more addition, called [d] *Tiara recta* only, or ἡ καλουμένη Κίτταρις ὀρθὴ, as [e] *Plutarch*'s words are, signifying the same thing. With such a royal Ensign, the Queens also were honour'd in *Persia*, if at least in the holy story (where both *Vasthi* and *Esther* are crowned) כתר מלכות *Keter Malcuth*, that is, the *Crown* or *Diadem* or *Ensign of the Kingdom*, denote this of the *Citaris* and Fillet on it. Both the *Septuagint* and the Vulgar turn those words *Diadema*, and the *Septuagint* in one place by τὸ διάδημα τὸ γυναικῶον or the *Fœminine Diadem.* And some will have כתר *Ceter* [f] here in *Esther*, be but the same word from whence

c *Clitarchus apud Scholiast. in Aristophanis Aves & Hesychius in Τιάρα*

d *Senec. de Benef. lib. 6. 2 cap. 31.*

e *In Artaxerxe.*

f *Drus. Observat. lib. 12. cap. 12.*

Citaris

Citaris was first made. But the Diadem it self (as it is to be distinguished from their *Citaris*) or the Fillet, was in *Persia* chiefly of Purple varied with white. *Darius* his was *Purpureum Diadema distinctum albo*, as *Curtius* [g] says (in one place; though he make it *Cærulea fascia Albo distincta*, in another, where some learned men have [h] thought it should be *coccinia fascia*) and in the holy story of *Mordechai*, as it is in the Greek Text, his Diadem Royal (for King *Ahasheroosh* honor'd him with one) is purple and of silk; διάδημα βύσσινον πορφυροῦν, as the words are. Where [i] also it appears in expres's words, that he had (among the Ensigns Royal that were put on him) a gold crown also: στέφανον ἔχων χρυσοῦν καὶ διάδημα, &c. that is, *having a Crown of Gold, and a Diadem*, &c. The *Ebrew* indeed makes no such division. But the *Ebrew* compar'd with this and with the testimonies of profane writers, justifies clearly that there was a Crown of gold as well as a Fillet for a royal Ensign in *Persia*. For the holy Text of that story of *Mordechai* among his royal Ensigns, reckons such a Crown for one, and calls it זהב גדולה עטרת that is, *a great Crown of gold*, which in a passage before [k] where it is appointed for him, is named כתר מלכות *Cether Malcuth*, or *the Crown of the Kingdom* also as that of *Vasthi* and *Esther* is, though that of *Esther* be taken for the Diadem or Fillet only by the most learned [l] *Brisson*. But however, it will, from the testimonies of the holy story, compar'd with prophane writers, appear fully enough that there was in *Persia* as well a Crown of gold for a royal Ensign of the head as a Fillet or Diadem; and out of this of *Mordechai* also, that כתר מלכות (which some would have denote the Diadem) is the Crown of gold, and that most plainly; though I dare not deny but the word might also denote generally any thing that was the distinguishing note of royal Dignity for the head only. And perhaps in the greater solemnities, the Crown of gold was used, and the Fillet (as being not so troublesom) in their ordinary wearing. And with this distinction is that passage (I think) of *Marcellinus* to be understood, where he tells us also of the fashion of the *Persian* gold Crown worn by King *Sapor* in triumph. *Insidens equo ante alios* (so are [m] his words) *celsior ipse præibat agminibus cunctis aureum capitis figmentum interstinatum lapillis pro Diademate gestans, multiplice vertice, dignitatum & gentium diversarum comitatu sublimis.*

In other the antienter Kingdoms either of *Asia* or elsewhere, I remember no such use of both those kinds of Crowns. But the Diadem or the Fillet alone is obviously in good Authors given to the Kings of *Pontus*, *Armenia*, *Parthia*, *Lydia*, *Phrygia* and others of those parts, where the tying on of it was the chief part of the inauguration. So *Vologeses* King of *Parthia* designing his brother *Teridates* King of *Armenia*, *Diademate caput evinxit*, as *Tacitus* [n] says. And for that of an old Coin of *Philetærus* King of *Pergamo* inscribed with ΦΙΛΕΤΑΙΡΟΥ ΒΑΣΙΛΕΩΣ and a head circled with a Crown of leaves on one side of it which *Joseph Scaliger* remembers; I conceive the head rather to be of some Deity than of *Philetærus*. For it was even in the antientest use among the *Grecians* (as we see in *Goltzius* his Coins) to stamp with the head of some God or Goddess (in Crowns of leaves proper to them) together with such names of Kings or Magistrates as were otherwise, by their institutions of State, necessary to be seen there. But also *Strabo* [p] denies that *Philetærus* was at all King. For he saith that *Attalus*, the third Governour there from *Philetærus*, was the first of that Race which had

g *Histor.* 3. & 6.

h *Videsis Lipsium ad Taciti Annal.* 6. *num.* 87.

i *Esther cap.* 8. *com.* 15.

k *Ibid. cap.* 6. *comm.* 8.

l *De Regno Persico lib.* 1.

m *Amm. Marcellin. lib.* 19. §. 1.

n *Annal.* 15. & *videsis Sueton. lib.* 6. *cap.* 13.

o *Canon Isagog. lib.* 3. *pag.* 321.

p *Geograph. lib.* 13.

the title of King of *Pergamo*. So that thence alſo the credit of the coin might be doubted. But *Scaliger* takes the head to be *Philetærus*, and obſerves that *Diadema non habet ſed Coronam frondeam tanquam Regis nomen aſſumere vereretur.*

In *Africk* alſo this Diadem or Fillet was the only royal Enſign of the head. King [c] *Syphax*, at his entertainment of *Scipio*,

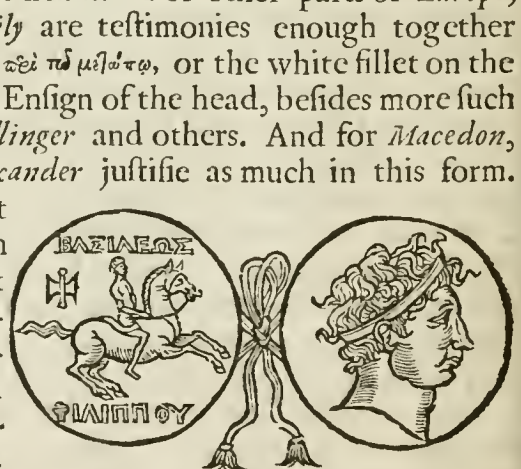
> *Induitur Chlamidem, Regniq; inſigne vetuſti*
> *Geſtat læva decus; cinguntur tempora* vitta
> Albente,

And, at the unlucky ſacrifice between them,

> Vittaque, Majorum decoramen, *fronte ſine ullo*
> *Delapſa attactu nudavit tempora Regis.*

c *Silius Italicus lib.* 16. *Neque ulla aurea qua donatus eſt* Maſaniſſa Corona *apud* Livium dec. 3. lib. 10 *Regium erat inſigne, ſed honorarium Pop. Rom. duntaxat donum: & plane in ea re fallitur* Jacobus Boſius *de Cruce triumphanti lib.* 1. *cap.* 14. *uti etjam in* aureæ Coronæ *quæ Regum nunc inſigne eſt, initiis* Hieronymus Balbus *de Coronatione. cap* 5.

The like we find in the Enſigns of divers old Kings of *Europe*. The Coins of the old Kings of *Sicily*, as of *Gelo*, *Hiero*, and *Agathocles* have their heads circled with this Fillet or Diadem. For example, one of *Gelo* is copied here. And the *Greek* Kings had their Fillets or Diadems, or *Vincula*, as in *Seneca*'s Tragedies they are ſometimes called. Neither was *Alexander*'s uſing of a Diadem by that name ſingly taken to be at all ſtrange to his *Macedonians*, but the uſing of juſt ſuch a one as the *Perſian* Kings had, and the wearing it upon his *Cauſia* or *Macedonian* Cap in ſuch faſhion as it was like the *Perſian Cidaris*. So muſt [d] *Juſtin* be underſtood, where he ſays *Habitum Regum Perſarum & Diadema inſolitum ante Regibus Macedonicis, velut in leges eorum quos vicerat tranſiret, aſſumit.* The Diadem he wore was *inſolitum* becauſe it was of purple varied with white, and worn upon his *Cauſia* as the *Perſian* Kings wore theirs upon the *Cidaris*. For otherwiſe, it is clear, that not only in other parts of *Europe* but in *Macedon* alſo, the Diadem (being commonly white) was worn before *Alexander*'s time by Kings upon their bare heads. For other parts of *Europe*; the Coins of thoſe Kings of *Sicily* are teſtimonies enough together with [e] *Lucian*, taking the Ταινία λευκὴ περὶ τῷ μετώπῳ, or the white fillet on the forehead, to be generally the royal Enſign of the head, beſides more ſuch paſſages collected by [f] *Briſſon*, *Bullinger* and others. And for *Macedon*, the Coins of *Philip* Father to *Alexander* juſtifie as much in this form. Neither indeed is *Alexander* ſtampt in any that remains of him, with any other Diadem than this Fillet on his bare head without any *Cauſia*, and as his father and his ſucceſſors; as we ſee in *Goltzius*. And *Lucian* [g] makes *Diogenes* tell *Alexander* of his being διαδεδεμένον ταινίᾳ λευκῇ τὴν κεφαλήν, *tied about the head with a white Fillet.* But for that in *Conſtantine* [h] *Porphyrogennetus*, where he tells us that the Kings of *Macedon* ἀντὶ ταινιακῆς στέμματος, *inſtead of the Fillet or Crown* uſed the skin of



d *Hiſt.* 12.

e *In Navigio pag.* 945.

f *Vide de hac re Briſſon. de regno Perſico lib.* 1. *Bullinger. de Imperio Romano lib.* 2. *cap.* 3. *&c.*

g *Dialog. Alex. & Diog.*

h *Themat. lib.* 2 *& vide ibid. Fred. Morellum pag.* 131. *qui tamen rem minimè ſatis explicat.*

of a Lion's head, and to that purpose brings the testimony of one of *Alexander*'s Coins upon it that shews such a wearing on his head; plainly he was deceived in taking it to be in stead of the Diadem. It is clear they used a Diadem for their note of Royal Majesty. And this of the Lions skin was only a badge of their Family, because they were descended from *Hercules*. And others of them had the like wearing in that respect also, as you may see in *Goltzius*.

What other Kings of *Europe* wore in those more antient time, fully enough appears not. It is a tolerable conjecture that they used the Fillet as the rest. And *Pliny* supposes the Diadem to be as antient as *Bacchus* for a general Ensign of Kings. For he [i] saies that he invented *Diadema Regum insigne*. Nor are the testimonies clear enough in credit, that tell us [k] *Dunvallo Mulmutius* King of our old *Britons*, and the old Kings of *Scotland* even from *Fergus* the first, used a gold Crown. But it seems by the old *British* Monies that the Diadem or Fillet perhaps of Pearl also was worn by King *Cunobelin*. One kind of them was of this form.

i Nat. Hist. lib. 7. cap. 56.

k Galfred. Monumeth. lib. 1. & Hect. Boet. lib. 2 & 10.

In the memories that remain of the many Ensigns of dignity received into *Rome* by *Tarquinius Priscus* upon his conquest of the *Tuscans*, the Fillet is not mentioned, though at that time *omnia decora & insignia* (as *Florus* saies) *quibus Imperii dignitas eminent*, came into the State. Among them, *Dionysius* [l] *Halicarnassens* indeed reckons a gold Crown. But as the rest of those Ensigns were given to civil Magistrates or to Generals in the Field as honorary notes of subordinate dignity, so was this of the gold Crown and of the Laurel also: the use of them being then chiefly in a Generals triumph, but not in distinguishing a King. *Triumphales Coronæ* (so *Festus*) *sunt quæ Imperatori Victori* (he means General of the Field) *aureæ præferuntur quæ temporibus antiquis propter paupertatem Laureæ fuerunt*. Other Crowns also as of Oake, Grass, Myrtle, Ivy, Roses, and divers more were in frequent use in their giving of honorary rewards, in sacrifices, feasts, marriages, funerals, wooings and otherwise, and that as well in the old States of *Greece* as of *Italy*; which is also (if no other were) a good argument that all Crowns under that name and as distinguisht from the Diadem or Fillet, were far from being taken as royal Ensigns among them. Therefore so much as concerns the several Crowns used in those Countries, and is in full store delivered by *Athenæus*, *Agellius*, *Tertullian*, *Clemens* and such more, and in the later times by *Alexander ab Alexandro*, *Paschalius*, *Bullinger* and others, is excluded here as not belonging to the subject. But I note as most observable to the present purpose; that whereas [m] *Virgil* puts in *Evander*'s mouth

l *Archæolog.* 3.

m *Æneid.* 8.

Ipse oratores ad me Regniq; Coronam
Cum sceptro misit, mandátq; insignia Tarchon.

as if the *Tuscans* had used a Crown for a Royal Ensign; *Servius Honoratus* being curious in matter of antient customs, learnedly admonishes that *Corona* signifies there *Insigne* generally, *non revera Coronam* (saith he) *quam* Tusci *Reges nunquam habuerunt: ergo species est pro genere*. He takes, I presume, *Corona* for a Crown as it is distinct from a Diadem: and then he agrees fully (for so much at least as concerns the *Tuscan*

Tuscan Kings) with the excluding of Crowns from being notes, in that Age, of Royal dignity. But though the common story written of the times of the *Roman* Kings, shews us not that they used Fillets; yet in other testimonies they have them. In some monies inscribed with [n] CN. PISO PROQ. (he is taken to be the same that was Vice-Admiral to *Pompey* in the *Piratique* war) *Numa*'s head hath a Fillet on it, and in the Fillet his name stampt. *Ancus Martius* hath his Fillet also in a piece of the same Age. Others have those two Kings together Filleted in one stamp. But they were all coined about D year after the end of the *Roman* Kings. And therefore are no infallible testimony to this purpose. Nevertheless, among other testimonies, they shew that the *Romans* at that time conceived (as other Nations) this Diadem or Fillet to be the proper Ensign of a King, and therefore endured not the use of it while they hated the name of King. They endured not the use of it when there might be any colour to take it for an affectation of Regal Supremacy. For otherwise a Fillet, and a white one, was not only endured but by institution of the State used in the Habits of their Priests, as it was also an ornament of the [o] *Nomophylaces* or the Chancelours and Fiscal Judges in *Athens*. But in those it was no more suspected or Regal, than a Crown with us is on our Kings of Heralds. The Priests and those *Nomophylaces* had their authority subordinate under the State, as these Officers under the King. So the Priests among the *Jews* also had a Crown as well as the King. And the *Roman* Woman (as ours at this day) had their Diadems also or Fillets varied at their own fancies. But in old *Rome*, in whomsoever any suspicion of power was, in him also and in every attribute to him, the Diadem was suspected. Thence is it that he that put a white [p] Fillet or Diadem upon the Laurel of *Julius Cæsar*'s Statue, was commanded to prison (by the Tribunes *Flavius* and *Marullus*) as one that thereby derogated from the publick liberty in giving him that which was proper to a King. And that of *Pompey* is of the same kind. *Ei* Candida fasciâ *crus alligatum* (saith [q] *Valerius*) *habenti, Favonius, non refert, inquit, qua in parte corporis sit* Diadema; *exigui panni cavillatione* Regias *ejus vires exprobrans*. By reason of this suspicion of the Diadem, and for that the name of King was so hateful among them (although they were in no less servitude to their Emperours even in the beginning of the Empire, than any other Nation to their Kings) the Emperours at first abstained from medling with any Diadem. *Caligula* indeed ventured to put it on, but durst not use it. *Insigne regni* (saies *Aurelius Victor*) *capiti nectere tentaverat*. And *Eutropius*, of him; *Primus* Diademate *impositio, Dominum se appellari jussit*. None afterward for about CCLXXX years openly affected it. That passage in *Sulpitius* [r] *Severus* of *Vespasian*'s wearing one at the siege of *Jerusalem* is but a mistaking through his application of the custom of his own Age to the time of his story. Nor is that suspicion of [t] *Titus* for wearing one in an *Ægyptian* sacrifice to be valued here. But *Heliogabalus* at length wore one with rich stones on it; yet in his house only. *Voluit* (saith *Lampridius*) *uti &* Diademate *gemmato quia pulchrior fieret & magis ad fœminarum vultum aptus, quo & usus est domi*. The first of them afterward that wore it, and sometime perhaps publickly, was *Aurelian*. So I understand those words both in *Aurelius Victor* and in *Paulus Diaconus*. *Primus* (Aurelianus) *apud Romanos capiti suo* Diadema *innexuit*. But hitherto no constant or continual wearing of it was come into fashion with the Emperours;

n *Fulv. Ursin. Famil. Rom. in Calpurnia. pag. 47. & in Marcia, pag. 152 & 154.*

o *Pollux lib. 8. cap. 12.*

p *Sueton. in Julio Cæsare.*

q *Lib. 6. cap. 1. §. 7.*

r *Sacr. Hist. lib. 2.*

t *Sueton. in Tito cap. 5.*

rours; nor had they yet any other Enſign of dignity for [u] their heads beſide the Laurel and the Radiant Crown, which was uſed alſo for the moſt part only in Pictures or Statues; rarely otherwiſe. But neither of theſe were proper to them as Enſigns of their Monarchique Empire, which as yet had nothing ſingular in what was worn, beſides the Purple Robe or *Chlamys purpurea*, as *Eutropius* expreſly and his Paraphraſt *Pæanius* obſerve in *Diocletian*. *Adorari ſe juſſit* (ſaith [x] *Eutropius* of *Diocletian*) *cum ante eum cuncti Imperatores, ut Judices, ſalutarentur. Ornamentum gemmarum veſtibus, calciamentiſq; indidit. Nam priùs* Imperii inſigne *in* chlamyde purpurea tantùm erat, *reliquáq; communia*. And *Pæanius*; πρότερον ὃ τὸ διαφέρον τ βασιλικῆς στολῆς ἀπὸ τ ἁλόργυ ἦν μόνης, *before* Diocletian, *there was nothing ſingular as an Enſign of the Monarchique Empire but the Purple Robe only*: whence *purpuram ſumere* was in the uſe to take the Empire, and *purpura indui* to be made Emperour. But another and an antient (though of the middle times) that plaies the Paraphraſt too upon *Eutropius* in this place, is either exceedingly deceived, or his Copies are corrupted. That paſſage he [y] makes thus, *Adorari ſe ut Deum præcepit & gemmas veſtibus calciamentiſq; inſeruit*; Diademataq; *in capite ante eum omnes cum chlamyde tantum purpurea ut à privatis diſcernerentur habebant & ut Judices cæteri ſalutabantur*, as if all before *Diocletian* had uſed Diadems; when clearly none did [z] otherwiſe than is before noted. But for the Laurel and Radiant Crown; the Laurel was triumphal only and born by them as they had the name of *Imperatores*, in the ſignification which that word had in the free time, or with relation to the Triumphs uſed by thoſe that were Generals of the State. Thence is it that ſo frequently their heads have Laurels upon them in their old Coins. And the Radiant Crown or *radiatum caput*, which is ſo frequently ſeen on the heads of Emperours long before *Aurelian*, was a particular note of flattery which ſuppoſed them as Gods. For that kind of Crown was then principally for no other uſe. And thence is it that in divers of the heads of *Julius* and *Auguſtus*'s Coins (after their conſecration into Deities) we [a] find Radiant Crowns: and in the following times alſo it occurrs in the Coins of divers other, and that while ſome of them lived too, becauſe the Name or Dignity of a God was attributed to them. But withal oftimes the *radiatum caput* is met with upon Coins that were of elder time than the Monarchique Empire. But in thoſe it is alwaies the *Sun* or *Phœbus* his head: Examples of it are obvious in *Fulvius Urſinus* his *Familiæ Romanæ*. And of this Radiant Crown, learnedly *Paſchalius* [b] but more accurately [c] *Fileſacus*. Both largely enough.

But ſoon after *Aurelian*, the Diadem grew to be a principal Enſign of the Empire. *Euſebius* expreſly of *Conſtantius* Father to *Conſtantine* the Great (ſpeaking of the Emperours that were before joyned with him and of their leaving all to him) μόνῳ δ ὃ λοιπὸν Κωνσταντίῳ πρῶτῳ, Αὐγούστῳ, καὶ Σεβαστὸς ἀνηγορεύετο, τὸ μὲν καταρχὰς τῷ ἅμα αὐτοκρατόρων Καισάρων διαδήματι λαμπρυνόμενος καὶ τέλος ἀπλήστως τὰ πρῶτα, &c. *Only* Conſtantius *was now ſtiled the chief* Auguſtus, *and* Sebaſtos, *having been at firſt honoured with the* Diadem *belonging to the Emperours* Cæſars, *and having had alſo chief place among them*. And in that *Conſtantine*, his Son, it became to be a continual wearing. *Habitum regium gemmis & caput exornavit perpetuo Diademate*, ſaies *Victor* or his Epitomator: to the ſame purpoſe *Cedrenus*, φασὶ δ αὐτὸν πρῶτον πάντων τῇ βασιλείᾳ διαδήμασι χρήσασθαι καὶ μαργαρίταις καὶ ἄλλοις λίθοις πολυτελέσι κοσμηθῆναι, *They ſay that he firſt of all the Emperours uſed*

u Vide, ſi placet, *Jac. Greſſer. de Cruce tom. 2. lib. 1. pag. 1833.*

x *Hiſtor. lib. 10.*

y *Jornandes de regnorum ſucceſſ. in Diocletiano.*

z *Gotofredus Viterbienſis* alſo, as ignorantly, refers the beginning of the uſe of ſtones in the Imperial Diadem to *Julius Cæſar, Chron. part. 19. pag. 534.*

a *Vide Goltz. ad Numiſm. Impp. pag. 48.*

b *De Coronis lib. 9. cap. 13.*

c *Select. lib. 1. cap. 5.*

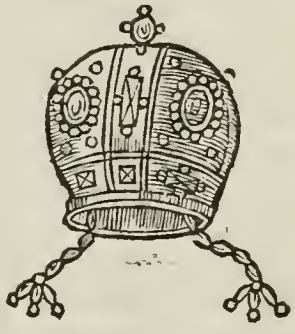
d *De vita Conſtantini lib. 1. cap. 12.*

used a Diadem, *and was more curious in wearing of Pearls and other stones.* And the Authour of the Chronicle of *Alexandria* ; *Constantine* first used a Diadem, διὰ μαργαρίτων καὶ ἄλλων τιμίων λίθων, *of Pearls and rich stones.* But (as others) he had in the beginning of his Empire his Laurels, and his Crown radiant too on some of his Coins, as also afterward, while he was a Christian, on his most eminent Statue, as the same [e] Authour saies ; though some take [f] the Statue there spoken of to have been rather *Apollo*'s with *Constantin*'s name on it, whereof we dispute not. The Diadem that he so used, is the same, it seems, which the later *Grecians* [g] conceived to have been sent him from Heaven. It is thus expressed in his Coins. And though the work of his Diadems were not alwaies in this one form, yet they perpetually thus bind the head with plates of Gold and Jewels on them. His use of wearing this kind of Diadem and his leaving the triumphal Laurel, by turning it into gold and rich stones on a Fillet, is taken [h] by some to have been in him a pious declining the use of what was sacred to Idols and an Ensign of Gentilisme in the Empire as the Laurel was, and for that cause had been long before inveighed at by *Tertullian* in his *De Corona Militis.* Nor was it so fit for him any longer to wear the Laurel, that had so demolished the Temples of *Apollo* to whom it is known so sacred. Therefore to imitate rather the fashion of the Kings of the *Jews* (some of which were Types of that Great King for whose service *Constantine* had at length professed his Name) he took the Diadem of gold and stones, and was the first thus that used any of that kind. This was that which was meant by *Regia Corona* in [i] the Acts of Pope *Sylvester*, where it appears that the Authour of them supposed that the Emperour usually wore it. But of the faith of those I here inquire not ; no more than I do of that of *Constantin*'s donation, where it is called (as the [k] *Latine* is) *Diadema videlicet Corona capitis nostri*, and given to Pope *Sylvester* to wear ; and in the *Greek* [l] διάδημα ὅπερ ἡ σεφάνη ὡς παρεδώκαμεν αὐτῷ ἐκ κεφαλῆς ἡμῶν, ἐκ χρυσίου καθαροῦ καὶ μαργαριταρίων ἀπμήτων, *The* Diadem *or* Crown *which we have given him from our head, consisting of pure gold and pearles invaluable.*

After *Constantine*, this kind of Diadem was in common use, but so that his nearer Successours did not so scrupulously alwaies reject the Laurel as he had done : at least in their Coins it is not alwaies omitted. But the fashion of their Diadems (as far as I have observed) continued most usually the same with that of *Constantine.* And thence is it that S. *Hierom* [m] speaks of *ardentes Diadematum gemmas Regum* in his time. And the form of a chain or bracelet which we see in it, is sufficiently manifested in that of the Standard-bearers chain with which *Julian* was crowned when he was proclaimed Emperour after his Victory against King *Bodomar* upon the *Rhine.* *Cumque* Corona *deesset* Imperialis (saith *Paulus* [n] *Aquilegiensis*) *unus signa portantium torquem quem habebat in collo sumens* Juliano *capiti circumposuit.* But afterward the Imperial Diadem became to be ordinarily increast with additions of other parts that went from eare to eare over the Crown of the head ; and at length over a gold Helm on a Cap which made it somewhat like the close Crowns of later time worn upon Caps. And of the Helm together with the Diadem, was the close Crown of the Eastern Empire (as

e Vide *Chron. Alex pag.664.*
f Vide *Zonar. tom. 3. Filesacum loco jam dicto, & Gillium Topograph. Constant.lib.3. cap.3.*
g *Constantin. Porphyrog.de adm.Rom.Imperio cap.12.*
h *Baron.Annal.tom.3. ann.337. & vide Tom.eund.ann.351.*
i Apud *Baron.tom.3. ann.324.*
k *Dist.96.c. 14.&c.*
l Apud *Balsamon.in Photii Nomocanonis tit.8.c.1.*
m *Epist.ad Lætam.*
n *Hist.Miscellan.lib.11.*

(as I think) since composed. And indeed *Constantine* [k] in some of his Coins hath his Diadem on his Helm which makes it look almost like a kind of close Crown. But the frequent joyning of the Helm or Cap to the Diadem, I observe not till about the yonger *Theodosius*. And whereas the tying was usually behind in the simpler Diadems; those of this later fashion were either then tied at both ears as we may guess by the Labels or Fillets that hang on both sides of their heads in their Monies, or else the Caps or Helms had Labels only as Bishops Mitres have. And in divers of them, the fashion is so frequently varied that you might think they had as much change in their Diadems as Ladies in their dressings; yet so also, that sometimes, even in those elder Ages, the same form almost was in their Crowns as of later time is used in the Empire. For towards such, is that of *Heraclius* both largely and elegantly expresst in a Medail of him done off in *Lipsius de Cruce*, where divers other of the Emperours heads of that Age are with their Crowns or Diadems. It is easier for any man to satisfie himself by seeing them there together with those which are in [l] *Gretser*, in [m] *Opmerus*, sometime in *Baronius* and other such more, but especially in *Goltzius*, than for me either to describe them or to give direction for cutting them. Yet for the fashion used by the later *Constantinopolitan* Emperours, I have here represented it out of *Crusius* his *Turco-græcia*: you see it is of a most differing shape from that of the Western Empire used at this day. Of both of them, [n] *Marcellus Corcyrensis* and [o] *Paschalius* especially, more at large.



But although the ordinary use of the Royal Crown or Diadem (as the words are confounded) were as antient in the Empire as *Constantine*, and though it were, after him, born by his Successours and put on at their taking the Empire as the Crown, at this day, at the inauguration of Christian Kings; yet this difference appears, that until the Emperour *Justin* the yonger (unless we relie upon such authority as hath not ground enough to justifie it self) the solemn putting on the Diadem was done only either by the Imperial Guard or such as had power to supply them in their usual way of making Emperours, or else by the preceding Emperour in designing his Successour or crowning his Empress. And the first that appears infallibly to be crowned by the Patriarch of *Constantinople* (for the Coronation there was his antient Office, as it belongs in *England* to the See of *Canterbury*, in *Spain* to *Toledo*, in *France* to *Rheims*, in *Swethland* to *Upsalia*) was *Justin* the yonger that succeeded *Justinian*. To this purpose, we see that when *Julian* the *Apostata* (who began some XXV years after *Constantine*'s death) was chosen Emperour and raised on a shield by the Souldiers, ἐπέθεσαν (as the words of [p] *Zosimus* are) σὺν βίᾳ τὸ διάδημα τῇ κεφαλῇ, *They put the* Diadem *on his head by force*, as if it had been a known thing since *Constantine* that by this means an Emperour was to be created: and in *Marcellinus* the relation is more particular and most observable. *Augustus* (saith [q] he) *renuntiatus jubebatur Diadema proferre*, as if they had not doubted but that he had a Diadem ready as what was known now be necessary at the making of an Emperour: he denying that ever he had any, they would have took one from his Wives neck or her head-tire, that might have served for the present. But he pretending that it was not honourable for him to take his first in-

[k] Vide *Numism. apud Baron. Tom. 3. ann. 312.*

[l] *Tom. 1. de Cruce Christi lib. 2. & tom. 3. lib. 1.*

[m] *Chronol. lib. 2. ubi nonnullæ Impp. veterum effigies, sed minus accuratè depict. s.*

[n] *Sacr. Cæremon. lib. 1. sect. 5.*

[o] *De Coronis lib. 9. cap. 17. &c.*

[p] *Historiar. lib. 3.*

[q] *Amm. Marcellin. lib. 20. §. 4.*

auguration from any part of a Womans habit, *Equi phalera quærebatur* (as his words are) *uti congrua ornatus speciem saltem obscuram superioris prætenderet potestatis.* This also he misliked, as too mean a thing to be turned to a Diadem. But then a *Moore*, that stood by, snatcht off his own Collar (which he wore as he had the office of carrying one of the Ensigns of the Dragon) *& capiti* Juliani *imposuit confidenter.* So in the Creation of *Jovinian. Joviniano* (saies *Eutropius*) *insulas Imperatoris imponunt.* The like hath *Zosimus* of him, and of *Maximus* that was slain by *Gratian.* And in the Chronicle of *Alexandria*, *Theodosius* the First ἔστεψεν αὐτὸν βασιλέα, *crowned for Emperour* his Son *Honorius:* and the Lady *Verina* makes her Brother *Basiliscus* Emperour στέψασα, crowning him. The same Authour, that *Basiliscus* crowned his Son *Marcus.* And that the Imperial Guard together with the multitude, crowned *Justin* the elder. And *Cedren* saies, he crowned his Wife *Lupicia.* The like testimonies are of others of them down to *Justinian* who denotes the beginning of his Empire by the time [r] *quo nutu divino Imperiales suscepimus insulas.* But he received the Diadem from his Uncle's hands, as both *Zonaras*, *Cedren* and others tell us. Neither was any of them yet (for so much as I can find in good Authours of credit for this point) crowned by the Patriarch. I know *Theodorus* [f] *Anagnostes* hath a short and perhaps imperfect passage of the *Constantinopolitan* Patriarch *Proclus* his crowning of *Theodosius* the yonger. And I know that some others say that Pope *John* the first, when he went to *Constantinople* about the *Arrian* Heretiques, crowned *Justin* the elder also. *De ejus manibus* (are the words of [t] *Anastasius*) *cum gloria* coronatus *est* Justinus *Augustus.* And some of later [u] time take this of *Justin* the elder for an undoubted truth; especially *Baronius*, who thinks as clearly that this *Justin* had been crowned before by *John* Patriarch of *Constantinople. Licet enim* (so [x] *Baronius*) *simul ac electus est in Imperatorem à* Joanne *ejus civitatis Episcopo fuerit* Diademate *insignitus, tamen & illud ipsum ab ipso Romano Pontifice, suo voluit, pietatis ergo, capiti superimponi.* But I remember not that any else either of the antienter or middle times affirm so much either of *Theodosius* or this *Justin.* But in the next *Justin* that was Successour to *Justinian* and began in DLXV. we have infallible testimony of his being crowned by the Patriarch of *Constantinople.* And the learned *Onuphrius* [y] also professes he could never observe any such Coronation in the Empire of an elder time. The best Authour that delivers this of *Justin*, is *Corippus* that lived in the same Age with him. He saies that he was first, after the old fashion, taken up on a shield, and so by acclamations chosen Emperour, and then crowned by the Patriarch.

Postquàm cuncta videt ritu prefecta priorum
Pontificum Summus *plenâq; ætate venustus,*
Adstantem benedixit eum, cœlique potentem
Exorans Dominum, sacro Diademate *jussit*
Augustum [z] *sancire caput, summóq;* [a] *Coronam*
Imponens apici &c.

This Patriarch was *John*, not *Eutychius* as *Paulus Diaconus* mistakes. For *Eutychius* was thrust out of his Patriarchat by *Justinian* and not restored till some years after *Justin*'s beginning. And so expresly hath *Cedren* and others delivered. From that time of *Justin*, this kind of Coronation, for the most part, continued in his Successours till the end of the Eastern Empire. But some say also that *Leo* Successour to *Martianus*,

r *C. tit. de quadrien. præscript. l. 3 bene è Zenone.*

f *Collectan 2.*

t *In vit. Pontificis 54.*

u Vide *Bernard. Saccum Ticinens. Hist. lib. 8. cap. 2.*

x *Annal. tom. 7. ann. 525. pag. 106. edit. Antwerp.*

y *De Comitiis Imperat. cap. 5. &c.*

z *Legit* Th. Dempsterus *vincere.* Sed priorem lectionem libentius teneo. *Sancire* n. est sacratum facere.

a *Vide, de hac re, præter* Cedrenum, *Hist. Miscell. lib. 16. de Augustæ Sophiæ coronatione, Zonar. tom. 3. pag. 57.*

tianus, in 461 of our Saviour was crowned by the Patriarch of *Constantinople*, and was the first that was crowned Emperour. So *Rabbi David Ben Salomon* a *Jew* of *Poland*. His words are [b] לאון הקיסר הנ"ג מלך בקוסטנטינא בשנת ארבא ונחקים על ידי החשמן אשר שם בנתנו כתר מלכות בראשו והוא הקיסר הראשון הנכתר בכתר מלכות Leo *the three and fiftieth Emperour reigned in* Constantinople *in the year* 4221 (that is 461 of our Saviour) *and his Imperial dignity was confirmed by the Patriarch there, by putting the Imperial Crown on his head. And this Emperour was the first that was crowned with an Imperial Crown.*

[b] *Tzemach David Part. 2. fol. 40. b.*

In the Western Empire, the use of Coronation began in *Charles* the Great. And, saith the same [c] *Rabbi*, והוא הקיסר הראשון שקבל כתר מלכות מהאפיפיור ושם אותו לחוק עד היום הזה *this Emperour was the first that received the Imperial Crown from the Pope. And there* (at Rome) *it is received till this day.* And as the Patriarch of *Constantinople* crowned them of the East, so the Pope those of the West. But, the Pope regularly crowned them only with their third Crown which is given them at *Rome*. For the Emperour was wont after his Coronation performed by the Archbishop of *Cologne* at *Acken* in S. *Maries* Church (where his Throne or Chair is the same that *Charles* the Great used) to be crowned at *Millain* in S. *Ambrose*'s Church by the Archbishop there, or else at *Monza* some few miles distant from *Millain* in S. *John*'s Church: and then to go to *Rome* and receive a third Coronation from the Pope or the Cardinal of *Hostia* (as his Vicar) at S. *Maurice*'s Altar in S. *Peter*'s. Their first Coronation at *Acken* is ordinary. But that second hath not had many examples. The first, as the diligent and learned *Onuphrius* observes, was in that of the Emperour *Henry* VII. in the year MCCCXI. Some others since him also had this second Coronation there. But also some of them have in stead of it, received a particular Coronation elsewhere for that which should have been otherwise at *Millain*: as *Frederick* III. was twice crowned at *Rome*, to supply this of *Millain*, and *Charles* V. twice at *Bologna* to supply both that of *Rome* and this together. That at *Acken* is taken for the Emperour's being King of *Germany*; that at *Millain*, for his being King of *Italy*; and that of *Rome* for his being Emperour. But whereas commonly the Crown taken at *Acken* is said to be of *Silver*, and that at *Millain* of *Iron*; it is to be understood that their Metals are not such, but for some other reason (which as yet I have not sufficiently learned) they are only called so, and are of gold as well as that taken at *Rome*. This is the summe of such truth as the best Authours (I think) deliver of them. But there are many and most differing passages of them in Lawyers, Historians, and others; which I had rather thus design only, then either transcribe hither any more variety of their fancies, or in any particular give my own judgment further on them. You may see (beside *Onuphrius de Comitiis Imperatoriis cap.* 10 & 11. whom I prefer here before the rest) Sigonius *de Regno Italiæ lib.* 1. 3. 4. & 7. Krantzius *Saxoniæ lib.* 4. *cap.* 37. Lancelotus Conradus *in Templo omnium Judicum lib.* 1. *cap.* 1. §. 1. Restaurus Castaldus *de Imperatore quæst.* 33. 34. & 35. Hieronymus Balbus *de Coronatione ad* Carolum 5. *cap.* 6. & 32. Gunther. *lib.* 1. & *Spigelius* upon him, Henricus Bebelius *de Prærogativa Imperatoris Germanici*, Barth. Chassan. *Catalog. Glor. Mundi part.* 5. *conf.* 27. and such more.

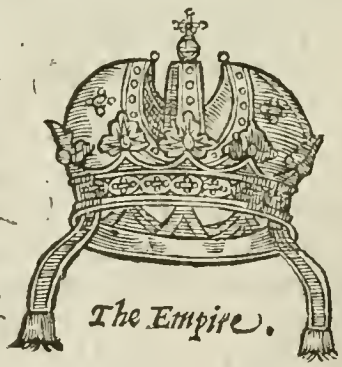
[c] *Ibid. fol.* 53. & 54.

The use of Crowns and Coronations thus deduced from *Constantine*

the Great, was an example which the reſt of the Kings of *Europe* followed. The Kings of *France* had Crowns in their inaugurations before the beginning of the Weſtern Empire: ſo we read in the ſtories of *Charles* and *Carolomann*, the Sons of King *Pipin*, in DCCLXVIII. of our Saviour. *Carolus Noviomi* (ſaith *Sigebert*) Regiam *accepit* Coronam, *Carolomannus verò in urbe Sueſſionica.* And it is likely enough that this uſe of a Crown there, was antienter and equal with their uſe of Royal Unction. Among the *Engliſh* Kings, *Geffrey* of *Monmouth* ſaies, that King *Athelſtan* firſt uſed it. But, beſides that of King *Alured*'s being crowned and anointed by Pope *Leo* IV. (whereof [d] before) [e] *Ethelwerd* a Writer of the *Saxon* times ſpeaking of King *Edward*, next Predeceſſour to *Athelſtan*, uſes theſe words of him. *Coronatur ipſe ſtemmate Regali à primatis electus, &c.* But, of the Crowns of the *Engliſh* Kings, and their Coronations more preſently. The traditions of *Scotland* are [f] that until King *Achains* (about DCCC. of Chriſt) their Kings uſed a Crown of gold even from their firſt King *Ferguſe*, and that it was *militaris valli forma* or a plain circle of plate and that *Achains* added to that plainneſs, four *fleurs de lis* and four Croſſes, *quatuor Lilia aurea, quatuor cum Salutiferæ Crucis aureis ſignis paribus intervallis diſcretis*, *Liliis paulò eminentioribus*, as *Boetius* his words are. And for the *Weſtgothick* Kings in *Spain*, it is delivered [g] that the firſt of them that had it among his Enſigns of Royalty, was King *Lewigild* about DLXXX. of our Saviour. *Nam ante eum* (ſaith *Iſidore*) *& habitus & conſeſſus communis ut genti ita & Regibus erat.* And, I remember, I have [h] read that the firſt Crown uſed in the Kingdom of *Lombardy* was about DXC. and that it was made by Queen *Theodelinda*, and the ſame which is ſince called the Emperours iron crown and kept at *Millain* or *Monza*. In other Chriſtian Kingdoms of *Europe* that have later beginning, their Crowns (I think) and Coronations have been equal to their firſt erection into that title.

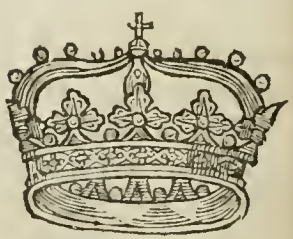
d In this chapter §. 1.
e *Lib.*4.*cap.*4.
f *Hector Boet. lib.*2.& 10.
g *Roderic. Tolet. lib.*2.*cap.* 13.& *Marian. de Reb. Hiſp. lib.*6.*cap.*13.
h *Vide Sigon. de Regno Italiæ lib.*1.

But the Forms of the Royal Crowns uſed in moſt (if not in all) thoſe Nations, are different. That of *Spain*, ſomewhat from the *Engliſh*; both theſe from the *French*; and the *French* and *Spaniſh* and *Engliſh* ſeverally differing much from that of the Empire. The circle of the *French* is raiſed only into flowers de lis and arches and hath a flower de lis on the top, whereas the King of *England*'s, of *Spain*'s, and the Emperours have a Globe and a Croſs in that place: as alſo the Crowns of *Denmark* and *Swethland*. But


The Empire.

England

France


Spain.

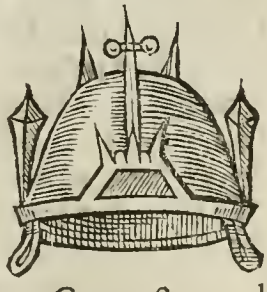
this

this may not untimely be obſerved here that the archt or cloſe Crown (commonly in uſe at this day) or that which is called Imperial (for ſo are the archt or cloſe Crowns called and belong only, they ſay, [i] to ſupreme Kings) is not of very antient uſe ſave only in the Empire. The antient Crowns that remain in the Coins of the *French* Kings are uſually raiſed round, into flowers de lis. And for them you may ſee the *French* Monies publiſhed by themſelves, where I find not any Diadem or Crown otherwiſe than fleury only till *Francis* the firſt.

[i] Videſis *Paſchal. lib. 9. de Coronis cap. 17.*

But for the Chriſtian Kings of this Territory of *England*; it ſeems that in the elder times of the *Saxons* (to omit here as a vanity that of King *Arthur*'s Crown which * *Leland* ſaies he ſaw in his Seal) they had at firſt, after the common faſhion of other Nations, which perhaps had been antient with them alſo, the ordinary plain Fillet or Diadem as we ſee in the head of *Aldulph* King of the Eaſt-*Angles*, who began his reign in the year DCLXIV. and that afterward they had their Diadems of Pearl or other ſuch matter as *Conſtantine* and his near Succeſſours uſed. For *Offa* King of *Mercland* in DCCLXIII. of our Saviour, is thus preſented in his Coins. And ſo, of his Succeſſours, *Berthulf*, *Burghred*, *Kenwlf*. But King *Egbert*, who about DCCC. of our Saviour, became Monarch of the Heptarchy, had, as it ſeems by his Coins, a Radiant Crown, the rayes being much ſhorter than thoſe on the old Emperours. But again, if the ſtamp deceive not, King *Alfred*'s head in his Coins (whence this is taken here) is circled with a ſimple Diadem * after the common and antienteſt faſhion, as moſt of his Succeſſours alſo were till *Edward* the Confeſſour. Only, if I miſtake not, King *Edred* and King *Edmund Ironſide* have Crowns ſomewhat like the Coronets of our Earls, pointed and pearled on the points which are raiſed higher than commonly thoſe in our Earls Coronets, but are not ſo many. And King *Hardicnut* hath a Diadem of Pearls like others. The reſt, either ſome Diadem on their bare heads or on Helmets. But *Edward* the Confeſſour in ſome of his Coins hath an ordinary Crown of gold raiſed into flowers de lis, though in his Picture which his great Seal preſents, his head have a Cap and a Crown on it in this form which is a ſtrange one, unleſs perhaps the cutter of the ſtamp meant it for ſuch a one as you ſee preſently of *William* the Conquerour's. And indeed, though the Coins of the *Saxon* times, ſhew us but * what is here delivered, yet there are extant ſome Volumes written under King *Edgar* and by his command, touching the Reformation or Reſtitution of the Monaſtique life in *England*, wherein he is pictured, and in a draught of his own time, with a Crown fleury alſo rudely

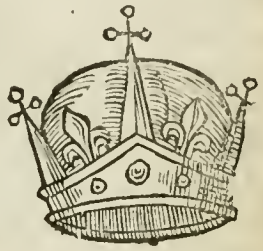
* *Aſſert. Arth. pag. 12.*



* See before *pag. 150.*

* *In Biblioth. Cotton. Mſs. ubi etiam Archetypa ſervantur unde jam efficta hic Numiſmata ſumpta.*

rudely drawn: and, whence ſoever it proceeded, the Crowns that are put on the heads of moſt antient Kings in Pictures of the holy Story of *Geneſis* [k] tranſlated into *Saxon* in thoſe times, and in ſuch draughts as deſigned the holy Stories belonging to the Pſalms of near or about M. years ſince, are no otherwiſe than fleurie de lis. But after the Confeſſour, *Harold* returns again in ſome of his monies to the Diadem of Pearls and bears it on a Helm. And this on a Helm, I conceive to be properly that which they called Cynehelme, as the Diadem without the Helm, that which was their Cynebænd or *Royal Fillet*. For thoſe two words with the *Saxons* denoted a Royal Enſign of the head. Our firſt Kng *William*, in his great Seal wears on a Cap a Crown both fleurie as that on the Confeſſour's monies, and raiſed with points that have Croſſes on them. But on his Coins, it ſeems he hath the pearled Diadem having Labels at each eare, and ſomething like an Arch that goes croſs the head as it is frequently ſeen in thoſe of the Eaſtern Emperours. His Son and Succeſſour *William Rufus* is crowned in his great Seal with no other faſhioned Crown than what is now with us an Earls Coronet. But in his Coins, the ſame ſhape is preſented which his Father alſo bears upon his Monies. That of *Henry* the Firſt both in his great Seal and Coins is only fleurie de lis, and the flowers are raiſed but little; and in that of his Coins two Labels of Pearl, or ſome ſuch thing, hang at each eare. King *Stephen* alſo in both, hath only a like Crown fleurie; which is exactly too the form that both *Maude* the Empreſs and *Henry* II. have in their great Seals. But this *Henry* in his Coins is crowned like *Henry* the Firſt. The Son of *Henry* the Second (which by ſome was called *Henry* III. [l] whence our Ordinary *Henry* III. is alſo ſometimes *Henry* IV.) being crowned in his Father's life, as alſo *Richard* I. have exactly the ſame form in their great Seals. But King *John*'s Crown (as his great Seal ſhews it) is only pointed with ſhort rayes in ſtead of flowers. His Son, King *Henry* the Third wears in his firſt Seal a Crown fleurie pointed or rayed; and the points or rayes are raiſed, but not high, between the flowers. His ſecond Seal hath the like, ſave only in that the points or rayes are wanting, as they are alſo in that which is on his Tomb-ſtatue of Braſs at *Weſtminſter*. But in *Matthew Paris* we read that *Henry* the Third was at firſt crowned with a *Circulus aureus*. The like to this laſt of *Henry* III. is that of King *Edward* the Firſt as well on his Coins as in his Seal. So hath his Wife Queen *Eleanor* on her Tomb-ſtatue in Braſs at *Weſtminſter*. So hath his Son *Edward* II. So *Edward* III. both in his Coins and as well in his Seal made at the beginning of his reign as in that which he uſed after he had the Title of *France*. The faſhion of King *Richard* the Second's, *Henry* the Fourth's, *Henry* the Fift's, is not otherwiſe, although I have read ſomewhere, (as I remember, in a Book of the Inſtitution of the Garter written under *Henry* VIII.) that *Henry* the Fift firſt made him an Imperial Crown. Some others [m] have attributed the firſt uſe of it to King *Edward* III. At leaſt they ſay, that over his Arms it was firſt painted; and they give a reaſon for it; becauſe he was made Vicar General [n] through the Empire by the Emperour *Lewes* of *Baviere*. But neither doth King *Henry* the Sixt's



k *Mss. in Bibl. Paris, pag.* 163.

l Vide *Matth. Paris, pag.* 163.

m Fr. Thinne *in Ms. diatribæ de Inſignibus Rob. Comiti Sarisbur. olim dicata.*

n Videſis *Thom. Walſingham in Ed.* 3. *ann.* 1338.

Sixt's in his great Seal differ from that of *Henry* V. But in some of his Coins, it is both fleurie and arch'd with a globe and cross on the arch, almost like the Imperial Crown of *England* worn at this day. The like form is on *Edward* the fourth in his great Seal, saving that pearled rayes rise between the flowers under the arch : yet also some of his Coins have three crowns, one over another, (but not on his head) which are fleury with crosses between the flowers, and not arch'd. The three were for his three Dominions *England*, *France*, and *Ireland*. King *Edward* V. and *Richard* III. in their great Seals are both crown'd with Crowns fleury, having crosses between the flowers and arch'd as the wearing is at this day with the Globe and Cross on the arch, which form hath ever since continued. But I have seen several copies of the *Ordo Coronationis* of the Kings and Queens of *England*, written much antienter than *Henry* the sixth, and in them the King sitting in his Throne and crown'd with the Crown fleury, not without an arch having a Globe or Mound with the cross on the top of it. And the draughts seem as old as the copies. For the more exact fashion of those old fleury Crowns without arches, worn by the Kings and Queens of *England* in some of the former ages; you may easily and best observe it on their statues both in *Westminster* Hall and on the front of it. They were set there, under *Richard* II. Those upon the Kings that are fixt on the walls of *Henry* the seventh's Chappel at *Westminster*, were, according to the fancy of the workman, made (as I think) all alike, and only fleury with Crosses. And though the arch'd Crown were then in use, yet, it seems, the arches were purposely omitted as being too troublesome and not, of necessity, requisite. And the cutter there chose rather to make them handsomly and alike, than such as were proper for every King. As we have such old testimonies for the Crowns of our Kings, so also, for the form of their Coronations, we have a Ceremonial (which the injury of time hath not permitted to remain perfect) of the *Saxon* times and then written : I mean the same out of which something is before transcribed touching Unction. The hand is about DC years old : and some leaves being lost after that of the Unction of the King, the end of the monition given in those times to him at his taking of the Sword, thus begins the next page in that which remains.

:::::::::::::: & cunctos sanctæ Dei Ecclesiæ *adversarios regnumq; tibi commissum tutari atq; protegere Castra* Dei, *per auxilium invictissimi Triumphatoris Domini nostri Ihesu Christi, qui cum Patre in Unitate Spiritus Sancti vivit & regnat.*

Then it goes on thus.

Oratio post datum *Gladium.*

Deus qui providentiâ tuâ cœlestia simul & terrena moderaris, propitiare Christianissimo Regi nostro, ut omnis hostium suo-

ſuorum fortitudo, virtute Gladii ſpiritualis, frangatur ãc, te pro illo pugnante penitús conteratur per &c.

Hic *Coronetur* Rex, eique dicatur.

Coronet te Deus Coronâ *Gloriæ atq; Juſtitiæ honore & opere fortitudinis, ut per officium benedictionis cum fide recta & multiplici bonorum operum fructu, ad Coronam pervenias regni perpetui, ipſo largiente cujus regnum permanet in ſecula ſeculorum. Amen.*

Oratio ſuper Regem poſtquam *Corona* fuerit impoſita ſuper caput ejus.

Deus perpetuitatis, Dux virtutum, cunctorum hoſtium victor, benedic hunc famulum tuum N. tibi caput ſuum humiliter inclinantem & prolixâ ſanitate & proſperâ felicitate eum conſerva, ut ubicunq; vel pro quibuſcunq; auxilium tuum invocaverit citò adſis & protegas ac defendas. Tribue ei, quæſumus, Domine divitias gratiæ tuæ; comple in bonis deſiderium ejus; Corona eum in miſericordia tua ut tibi Domine piâ devotione famuletur per &c.

Which are the ſame almoſt to a ſyllable that in the later Ceremonials of the *Engliſh* Coronation, are appointed for the particular time of the putting on the Crown.

By the ſame old Ceremonial alſo, the Queen after her Unction and receiving the Ring, is to be crown'd with theſe words, which are alſo in the later Forms.

Accipe Coronam gloriæ & honorem jocunditatis ut ſplendida fulgeas & eterna exultatione Coroneris per &c.

Alia.

Omnium Domine fons bonorum & cunctorum dator profectuum, tribue famulæ tuæ N. adeptam bene regere dignitatem et à te ſibi præſtitam in ea bonis operibus corroborare gloriam, per Dominum noſtrum, &c.

Some other parts of that *Saxon* Ceremonial come in their place in the next Paragraph. But thoſe of the later time, which concern *England*, I ſhall wholly omit, both becauſe the many copies of them agree not among themſelves, and for that none of them which I have ſeen, (as far as I know) are allowed for the preſent by any publick authority. But for ſome other Kings; the Ceremonials of their Coronations out of authentique copies are at large here anon tranſcribed, beſide directions to what is publick in ſtory, for the formal part of Coronation of the Kings of *England*. And for Diadems and Crowns, thus much.

III. Next

III. Next here follow the *Scepter* and the *Globe* with the *Croſs* infixt, or the Mound. For the *Scepter*; ſome teſtimonies make it an antienter Enſigne of a King than the Crown or Diadem is. *Juſtin* (or rather *Trogus* [a] *Pompeius*) ſeems to deny that the old Kings of *Rome* had any Diadems; but that in ſtead of them they carried Scepters. So I conceive him in thoſe words ſpoken of the age of thoſe Kings. *Per ea adhuc tempora Reges* haſtas *pro Diademate habebant, quas Græci* Sceptra *dixere*. For their Diadems, enough already. But it is moſt clear that both in prophane and holy Writers the Scepter is much antienter (as it was attributed to a King) than either Crown or Diadem. In *Homer* we have σκηπτ῀χι βασιλῆες or *Kings with Scepters*, but none with Crowns. And in his deriving the Kingdom to *Agamemnon*, he ſays, he had the Scepter [b] from *Thyeſtes*, *Thyeſtes* from *Atreus*, *Atreus* from *Pelops*, *Pelops* from *Mercury*, *Mercury* from *Jove*, *Jove* from *Vulcan*, as if the eldeſt and moſt eminent character of a King or Kingdom were the Scepter only. And *Thyeſtes* left it to *Agamemnon*,

[a] *Hiſtor. lib.* 43.

[b] *Ibid.* c.

Πολλῆ͂σι νήσοισι καὶ Ἀργεί παντὶ ἀνάσσειν.

To rule both the Territory of Peloponneſus *and the Iſles belonging to it.* Thence was it that the old *Ægyptians* in their Hieroglyphick expreſſions, underſtood *Oſiris* by the ſhape of a Scepter with an Eye on it; *Significantes* (ſays [c] *Macrobius*) *hunc Deum Solem eſſe*, Regalique *poteſtate ſublimem cuncta deſpicere; quia Solem Jovis oculum appellat antiquitas.* And *Fulgentius* underſtands *Mercuries Caduceus* to conſiſt of a Scepter and Snakes, *Quòd Mercatoribus* (as his words are) *det aliquando* Regnum *ut* Sceptri, *& vulnus ut Serpentium.* Teſtimonies enough of the like kind (for the Scepter being moſt antient as an Enſign of power) are in that of the Gods bearing Scepters to denote [d] their Empires; whereof more eſpecially the Scholiaſt upon *Ariſtophanes* his Comedy of *Byrdes*. To theſe may be added that of *Ariſtotle*; where he [e] ſays that in the Heroick times, ſome Kings were ſworn, others not. But the Oath of them that were ſworn, was τὸ Σκήπτρου ἐπανάσασις or *the lifting up of the Scepter*, which was called [f] therefore ὅρκιον σκῆπτρον or the *Oath-Scepter*: and therefore alſo doth *Homer* make *Achilles* ſwear by his Scepter.

[c] *Saturnal. lib.* 1. *cap.* 21.

[d] Vide *Jerem. in Epiſt. Baruch ſubnex. com.* 13.

[e] *Politic. lib.* 3. *cap.* 20.

Νὴ μὰ τὸ δὲ σκῆπτρον——

By this Scepter, and [g] calls it μέγαν ὅρκον the great Oath. the Scepter being indeed alſo a ſingular ſymbol among the antients of *Jove* himſelf, as of the greateſt King, if we believe *Servius Honoratus* [h] upon *Virgil*. For where in that league ſworn between *Æneas* and *Latinus*, *Virgil* makes *Latinus* hold a Scepter in his hand, *Servius* notes that the antient faſhion, in ſwearing to leagues, was to have ſtatues of *Jupiter* ſolemnly brought to the place where the Oath was taken. And indeed all ſolemn Oaths were ſuppoſed to be made in the preſence of *Jupiter*. *Juratúmque* Jovi *fœdus*, is in *Sylius Italicus*. But, afterward (ſays *Servius*) this courſe growing too troubleſom, eſpecially when the Oaths were taken in far remote Nations, it came into uſe that one as a *Pater patratus*, or King of Heralds, ſhould be by, holding in his hand a Scepter which ſupplied the ſtatue of *Jupiter*. *Sceptrum n.* (ſaith he) *ipſius eſt imperium: unde nunc tenet ſceptrum Latinus non quaſi Rex; ſed*

[g] *Iliad.* α.

[h] *ad Æneid.* 12. ut Sceptrum hoc, &c.

quasi Pater patratus: that is, he held not his Scepter (which was supposed *Jupiter*'s) as a supreme King, though he were one, but as a King of Heralds that brought it to the ceremony. And as *Achilles* in *Homer*, so *Alexander* the Great is made swear by his Scepter in an Epigram that I found among others written at the end of an old barbarous Ms. history of him. I remember it not elsewhere extant, therefore I give it here.

Magnus Alexander *bellum mandarat* Athenis:
Infestus populo totius urbis erat.
Ibat Aristoteles *cautè temptare tyrannum,*
Si prece vir tantus flectere posset eum.
Quem procul intuitus, Sceptrum *Capitisq; salutem*
Testans; *non faciam, si qua rogabis, ait.*
Mutat Aristoteles *causam subtiliter; Urbem*
Obsideas, frangas, mœnia Marte petas.
Pœnituit juravisse Ducem, Bellúmq; roganti
Dat Pacem, lusus calliditate viri.

But for ought I remember, the Author is deceiv'd in the story. For it was *Anaximenes*, that used some such trick [i] to *Alexander* to save the *Lampsacens*; not *Aristole*, I think, in behalf of the *Athenians*. The most eminent antient and Sacred use of a Royal Scepter in prophane writers is thus plain enough. But it is of far elder memory, as a word denoting a King or supreme Governour in the holy Text. *The* Scepter *shall not depart from* Judah, *&c. until* Shiloh *come*, saith *Jacob*: that is, a King or supreme Governour, as it is commonly interpreted, especially by the Rabbins; and so, that the very word שבט *Shebet* which *Jacob* uses there for a Scepter, is taken properly enough to signifie a King or such supreme Governour as a King is. Therefore also in the *Greek* it is turned, οὐκ ἐκλείψεται ἄρχων, *there shall not fail a supreme Governour* or *King*, *&c.* whence it is that in the holy prophecy of *Amos* חומך שבט *thomac Shebet*, which signifies *one that holds a Scepter* [k] is used absolutely for a King. And the use of the Scepter in the *Persian* Empire need not be further remembred here. The holy story of *Esther* hath enough of it. And enough here of the Scepter in general.

i *Pausanias in Eliac. 2.*

k *Amos cap. 1. comm. 5.*

In that imperfect Ceremonial of the *Saxon* times (out of which we have before taken some parts that concern the Anointing and the putting on the Crown) next after that Benediction which belongs to the Crowning, follows,

Hic detur Regi *Sceptrum* eique dicatur.

Accipe Sceptrum Regiæ potestatis insigne, Virgam scilicet regni rectam, virgam virtutis, quâ te ipsum bene regas, & sanctam Ecclesiam populúmq; videlicet Christianum tibi à Deo commissum Regia virtute ab improbis defendas. Pravos corrigas, rectos pacifices, & ut viam rectam tenere possint, tuo juvamine dirigas, quatenus de temporali regno ad æternum regnum pervenias. Ipso adjuvante cujus regnum, et imperium sine fine permanet in sæcula sæculorum. Amen.

Oratio

Oratio ſuper Regem poſtquam datum fuerit ei *Sceptrum.*

Omnium Domine fons bonorum, cunctorumq; Dominus Inſtitutor profectuum, tribue quæſo famulo tuo Illi, *adeptam bene regere dignitatem, & à te ſibi conceſſum honorem dignare corroborare. Honorifica eum præ cunctis Regibus* Britanniæ, *uberi eum benedictione locupleta, et in ſolio regni firma ſtabilitate conſolida, viſita eum in ſobole, et præſta ei prolixitatem vitæ. In diebus ejus ſuperioratur Juſtitia, ut cum jocunditate et lætitia æterno glorietur in regno per etc.*

Hic Regi *Virga* * detur eique dicatur.

Accipe *Virgam *virtutis atq; æquitatis, qua intelligas mulcere pios et terrere reprobos. Errantes viam doce, lapſiſque manum porrige, diſperdaſq; ſuperbos, et releves humiles, ut aperiat tibi oſtium Jheſus Chriſtus Dominus noſter, qui de ſeipſo ait. Ego ſum oſtium, per me ſi quis introierit ſalvabitur, Et ipſe qui eſt Clavis* David *et Sceptrum domus* Iſrahel *qui aperit et nemo claudit, claudit et nemo aperit. Sit tibi adjutor qui educit vinctum de domo Carceris, ſedentem in tenebris et umbra mortis, ut in omnibus ſequi merearis eum de quo Propheta* David *cecinit.* Dominus in ſæculum ſæculi, virga recta eſt virga Regni tui. *Imitare ipſum qui dicit,* diligas Juſtitiam & hodio habeas iniquitatem: *propterea unxit te Dominus Deus tuus oleo lætitiæ ad exemplum illius quem ante ſæcula unxerat præ participibus ſuis, Jheſum Chriſtum Dominum noſtrum.*

* This was given into the left hand, as the Scepter into the right. See *Matt. Paris pag.* 206. *edit. Londin.*

* This is in the old Ritual called *Ordo Romanus.*

Benedictio ad Regem.

Extendat Omnipotens Dominus dextram ſuæ benedictionis, et effundat ſuper te donum ſuæ protectionis, Sanctæ Mariæ, *ac Beati* Petri *Apoſtolorum Principis, Sanctiq;* Gregorii *Anglorum* Apoſtolici, *atq; omnium Sanctorum intercedentibus meritis.* Amen.

Indulgeat tibi Dominus omnia mala quæ geſſiſti, et tribuat tibi gratiam et miſericordiam quam humiliter ab eo depoſcis, ut liberet te ab adverſitatibus cunctis, et ab omnibus viſibilium et inviſibilium inimicorum inſidiis. Amen.

Angelos ſuos bonos ſemper & ubiq; qui te præcedant, comitentur, & ſubſequantur, ad cuſtodiam tui ponat, & à peccato ſeu gladio, & ab omnium periculorum diſcrimine ſua te potentia liberet. Amen.

Inimicos tuos ad pacis caritatisq; benignitatem convertat, et bonis omnibus te gratiosum, & amabilem faciat, pertinaces quoq; in tui insectatione et odio, confusione salutari induat, super te autem sanctificatio sempiterna floreat.

Victoriosum te atque triumphatorem de invisibilibus atque visibilibus hostibus semper efficiat, & sancti nominis sui timorem pariter et amorem continuum cordi tuo infundat, et in fide recta ac bonis operibus perseverabilem reddat, et, pace in diebus tuis concessa, cum palma victoriæ te ad perpetuum regnum perducat. Amen.

Et qui te voluit super populum suum constituere Regem, et in præsenti sæculo fœlicem, et æternæ fœlicitatis tribuat esse consortem. Quod ipse præstare, &c.

Alia.

Benedic Domine hunc præelectum Principem qui regna omnium Regum *à sæculo moderaris. Amen.*

Et tali eum benedictione glorifica, ut Davitica *teneat sublimitate Sceptrum salutis, et sanctificæ propitiationis munere reperiatur lucupletatus. Amen.*

Da ei à tuo spiramine regere populum sicut Salomonem *fecisti regnum optinere pacificum. Amen. Quod ipse præstare, &c.*

Designatio status Regis.

This is almost the same in the old Ritual called *Ordo Romanus.*

Sta et retine amodo statum, quem hucúsq; paterna suggestione tenuisti hæreditario jure tibi delegatum per autoritatem Dei Omnipotentis et per præsentem traditionem nostram, omnium scilicet Episcoporum, cæterorúmq; Dei servorum; et quantò clerum sacris Altaribus propinquiorem prospicis, tantò ei potiorem in locis congruis honorem impendere memineris, quatenus Mediator Dei et hominum, Te mediatorem Cleri et plebis in hoc regni solio confirmet et in regno æterno secum regnare faciat Jesus Christus Dominus noster, Rex Regum et Dominus dominantium, qui cum Deo Patre et Spiritu Sancto, &c.

Sequitur Oratio.

Omnipotens Deus det tibi de rore cœli et de pinguedine terræ habundantiam frumenti et vini et olei, serviant tibi populi, et adorent te tribus. Esto Dominus fratrum tuorum, et incurventur ante te filii Matris tuæ, et qui benedixerit tibi benedictionibus repleatur, et Deus erit adjutor tuus. Omnipotens benedicat

nedicat tibi benedictionibus cœli desuper et in montibus, et in collibus, benedictionibus Abyssi jacentis deorsum, benedictionibus uberum et vulvæ, benedictionibus uvarum pomorúmq; Benedictiones Patrum antiquorum, Abraham, Isaac, *et* Jacob *confortatæ sint super te, per etc.*

Alia Oratio.

Benedic Domine fortitudinem hujus Principis, et opera manuum illius suscipe, et benedictione tua terra ejus de pomis repleatur, de fructu cœli, et rore atque abyssi subjacentis, de fructu solis, et lunæ, de vertice antiquorum montium, de pomis æternorum collium, et de frugibus terræ et plenitudine ejus.

Benedictio illius qui apparuit in rubo veniat super caput ejus Illius, *et plena sit benedictio* Domini *in filiis ejus, et tingat in oleo pedem suum.*

Cornua Rinocerotis cornua illius; in ipsis ventilabit gentes usque ad terminos terræ, et ascensor cœli Auxiliator *suus in sempiternum fiat, per* Dominum, *etc.*

As the *Scepter* is the ornament of the right hand, so in the left, the *Globe* or *Mound* with the *Cross* infixt, in Statues and Pictures (and in some Coronations) of Kings, as a singular Ensign of Royal dignity. The several times wherein this solemn use of this in several Kingdoms began, is not so easily found: nor perhaps worth the enquiry. It shall suffice here to shew how it began in the Empire whence the use of it was by example taken into all or most of other Kingdoms of Christendom. That which we name a Globe or Mound here is also sometimes call'd an Apple, sometimes a Ball. And it is observed by learned [a] men that it was frequent in the State of *Rome* before the Emperors were Christian to have both among their Ensigns in the field and in their monies, the Ball or Globe, the beginning whereof *Isidore* also [b] refers to *Augustus*. *Pilam*, saith he, *in signa constituisse fertur* Augustus, *propter Nationes sibi in cuncto orbe subjectas ut* Malus *figuram orbis ostenderet*: thus some copies have it and not *magis figuram*, &c. as we usually read there. But *Lipsius* reads *malis* out of some Mss. and *Theodorus Douza*, [c] *imagine* in that of *Isidore*. However it seems that to this purpose *Pila* and *Malus* or a *Ball* and an *Apple* are as synonymies, and denoted the figure of the earth as well in the field on a Lance as on their Coins, sometimes in the hand of Victory, sometimes of Fortune or otherwise. But afterward when the holy Cross came into estimation and was received with such reverence by the Emperors into their Ensigns, it was added also to this Globe or Apple held in the hands of their pictures or statues; sometimes the left, sometimes the right. There is authority that *Constantine* first caused this Globe and Cross to be so joyn'd and put in the right hand of his great statue at *Constantinople*. So says *Nicephorus Callistus*. *In Columna*

a *Videsis Lipsium de Milit. Romana lib. 4. Dialog. 5.*

b *Origin. lib. 18. cap. 3.*

c *In Not. ad Georg. Logothet. pag. 708.*

Columna ſtatuam ſuam (as his words are [d] in Latin) *ex ære factam collocavit quæ dextra manu ingens* aureum Malum *continet. Atque ipſi* Malo *veneranda* Crux *ab eo infixa.* But take this upon the credit only of *Nicephorus.* For though it be obvious, that *Conſtantine* uſed in his Enſigns both the Apple or Globe and the Croſs, yet I find not any ſufficient teſtimony either in the ſtories written near his age or in any other infallible proof of his time, that he ſo joyn'd them together. The firſt figure of it that I ſee is in ſome monies of *Theodoſius* the elder, that on the reverſe have victory ſitting, with a Lance or Scepter in the left hand and the Globe with the infixt Croſs in the right in this form. Other of his Coins have the like figure of the Globe and Croſs otherwiſe, but ſometimes alſo the Globe only with no Croſs. And in the Coins of the ſucceeding Emperors it is often found alſo. But the firſt that had it in his ſtatue (if *Conſtantine* had it not; at leaſt, the firſt of whom the ſureſt teſtimony occurrs) was *Juſtinian.* In that great ſtatue of him at *Conſtantinople*, his left hand had it: ſo writes *Procopius*; [e] εφέξῃ μὲν χειρὶ τῷ λαιῷ πόλον (not πόλιν as in the printed Copies) *he had in his left hand a Globe*, and σταυρὸς ὅπερ τῷ πόλῳ ὄπικεῖται, *a Croſs was ſet upon the Globe.* And *Procopius* alſo ſays, that Globe denoted both Sea and Land (which make one Globe) to be under his Empire. Of the ſame ſtatue alſo *Suidas*, [f] τὴν μὲν ἀριστερὰν χειρὶ φέρῃ σφαῖραν ἐμπεπηγότος τῷ σταυρῷ ἐν αὐτῇ ὑποσημαίνοντος ὡς, διὰ τῆς τοῦ σταυροῦ πίστεως, τῆς γῆς ἐκράτησε γέγονε. Σφαῖραν μὲν γὰρ γῆν διὰ τὸ σφαιροειδὲς τοῦ αὐτῆς σχήματος. Πίστις δὲ ὁ Σταυρὸς διὰ τὸν ἐν αὐτῷ σαρκὶ προσπαγέντα Θεόν. *In his left hand he held a* Globe *with a* Croſs *infixt on it which ſhewed that, by Faith in the* Croſs, *he was Emperor of the Earth. For the* Globe *denotes the* Earth *which is of like form, and the* Croſs *denotes Faith, becauſe* God *in the Fleſh was nailed to it.* Since *Juſtinian* it hath been more commonly us'd in the Eaſtern Empire and was called [g] (ſome ſay) ὁ βασιλικὸς σταυρὸς or *the Imperial Croſs*; and they conceive it to be the ſame which [h] *Curopalates* and [i] *Cantacuzen* call a Croſs generally and put it, for a ſolemn bearing, in the Emperor's right hand at his Coronation. But I think, that was rather a Rod with a croſs on it only, without any Ball or Mound, as it ſeems alſo by the picture of their crowned Emperor which is anon preſented here.

By thoſe examples in the Eaſtern Empire, it came into uſe, it ſeems, in the Weſtern. Yet I have not obſerved it in any old authority, antienter in the Weſtern than the time of the Emperor *Henry* II. which falls in MXIII. of our Saviour: although ſome ſeem to referr [k] it to the time of *Charles* the Great. But there is a paſſage of it in *Glaber Rodulphus* as if it had been invented for an Imperial Enſign in the Weſt by Pope *Benedict* VIII. The publiſhed copies of *Glaber* are plainly corrupted in the year where they ſpeak of it: and for *Anno Dominicæ incarnationis ſeptingeſimo decimo*, we muſt read *Mileſimo decimo tertio*, as the matter related ſufficiently demonſtrates, and [l] *Baronius* alſo hath already obſerv'd. The year thus rectified, the Author goes on thus; [m] *Licet inſigne illud Imperiale* (having before ſaid that none ſhould be Emperor but he to whom the Pope ſhould commit *Inſigne Imperiale*) *diverſis ſpeciebus priùs figuratum fuiſſet, venerabili tamen Papæ* Benedicto *Sedis Apoſtolicæ fieri* * *juſſum eſt admodum intellectuali ſpecie. Idem inſigne præcepit fabricari quaſi* aureum Pomum *atque circundari*

d *Hiſt. Eccleſ. lib.7.cap.49.* & videſis *præfat. ejus ad Andronicum Imp.*

e *Lib.* περὶ κτίσματ. *inſtitut.* λογ. *a. pag.6.* depravatum, puto, *Procopii* exemplar ſefellit *Gillium Topograph. Conſtan. lib.2 cap.17.* ubi de hac ſtatua.

f *In verbo* Juſtinianus: & videſis *G. de Badenſel in Hodæporico, ubi Juſtinianei Globi & Crucis item mentio.*

g *Theod. Douz. ad Georg. Logoth. pag.70.*

h περὶ ὀφφικίων.

i *Hiſtor. lib.1. cap.41.*

k Videſis *Onuphr. de Comitiis Imper. cap.5.*

l *Tom.11. ann.* 1013.

m *Glaber Rodulph. Hiſt. lib. 1. cap.5.*

* Viſum eſt.

cundari per quadrum preciosissimis quibusq; gemmis ac desuper auream Crucem *inseri.* Then also he tells us the meaning of the fashion of it. *Erat autem* (saith he) *instar speciei hujus mundanæ* [n] *molis quæ videlicet in quadam rotunditate circumsistere perhibetur, ut dum siquidem illud respiceret Princeps terreni Imperii foret ei documentum, non aliter debere imperare vel militare in mundo, quàm ut dignus haberetur vivificæ Crucis* [o] *tueri vexillo.* This the Pope gave to the Emperor at his meeting him, which the Emperor most thankfully took and sent it afterward for a present to the Monks of *Clugny.* But by example of it, the Emperors of the West afterward had one among their Imperial Ensigns. And of it, *Gothofredus* [p] *Viterbiensis* an Author that liv'd above CCCC years since, and was Chaplain to the Emperors *Conrad* III. *Frederick Barbarossa*, and *Henry* VI. thus in his riming Verses. And first of the Globe alone, given to the Emperour at his Coronation in this Ensign.

n *Ita legendum non* molisque, *& in exempl. excusis.*

o Passivè.

Aureus ille globus Pomum *vel* * Palla *vocetur*
Unde figuratum Mundum *gestare putatur.*
Quando coronatur, Palla *ferenda datur.*
Significat Mundum *forma perhibere Rotundum;*
Intus habet plenum terrestri pondere fundum,
Quem tenet arcanum Palla *ferenda manu.*
Hæc fuit ex terris Mundi collecta quaternis
Ut foret Imperii manibus gestanda supernis.
*Hac tulit imperium** Julius *arte suum.*
Taliter hunc Mundum *gestat manus una* Rotundum
Regius includit sic omnia climata pugnus
Taliter omne quod est regia pompa tenet.

*A Ball.

* As if *Julius Cæsar* had born this Ensign of the Globe.

And then he tells us also.

Quid significat Crux posita super
Aureum Pomum.

Crux *superest* Pomo *Cæli super insita dono.*
Suscipe corde bono, Rex, quæ tibi mystica dono,
Téque sedente throno, prospice quid sit homo.
Crux *&* Palla *simul pariter connexa tenentur;*
Hæc magis illa minùs [q] *parte reverenda videntur.*
Hæc ferit hæc sanat, hæc perit, illa manet.
Si Mundana cupis, pugno concludere regna,
Significata Crucis *tibi sint reverenter habenda.*
Servulus estо Dei qui tua sceptra regit.

q *Lego* per te.

It is at this day to be carried by the Count Palatins of the *Rhine* at the coronation of the Emperor, by the name of *Pomum Imperiale.* In the Bull of *Charles* IV. *Comes* [r] *Palatinus Rheni* Pomum Imperiale *portat à latere dextro*, as the Duke of *Saxe* bears the Sword, and the Marquess of *Brandeburg* the Scepter. And of later time (by the grant of *Charles* [t] V.) the Palsgraves of the *Rhine* bear it in a Scutcheon pendant to their own Coat and that of *Baviere.*

r *Aurea Bull. Caroli* 4. c. 22.

t *Marq. Feher. Orig. Palat. lib.* 1. *cap.* 15.

In *England*, almost all the Kings, down from *Edward* the Confessor inclusively to this day, have it in their left hands on their Seals or Coins: and we see the like every where in their statues and pictures that

that ſhew the form of their Coronations or preparation for Burials. But I have at the end of an old Ms. *Ordo Coronationis*, the form of a preparation for the Burial of a King, where I have the ſhape of him in his Royal Robes, crown'd and holding a Scepter in his right hand, and this Globe with the Croſs in the left. But the direction that is written with this ſhape puts it in the right. *In dextera manu ſua ponetur* Pila Rotunda *deaurata in qua virga deaurata erit fixa à manu ipſius protenſa, in cujus virgæ ſummitate erit ſignum* Dominicæ crucis *quod ſuper pectus ejuſdem Principis honeſtè debet collocari.* But if we might truſt to the credit of that Seal attributed to King *Arthur*, which *Leland* ſays [u] he ſaw in *Weſtminſter* Church, we ſhould find it as antient in the hands of the Kings of this Land almoſt as of the old Emperors. He ſays King *Arthur* in that Seal had in his right hand a Scepter fleurie de lis on the top, and in his left hand *Orbem cruce inſignitum.* I believe *Leland* ſaw it. But I am not ſo forward to give credit to the Seal, as to rely on his judgment for the truth of it. And the great Seal of *Edward* the Confeſſor ſhews the Globe only in his left hand, without any Croſs fixt on it, though in his Coins there be one upon the Globe.

[u] *Aſſert. Arthuri pag. 12. b.*

The Kings of *Denmark* alſo have it given into their left hands at their Coronations: and it is thus interpreted by one that wrote in Verſe the Coronation of *Frederick* II.

Tandem etiam Malum, *cui* Crux *infixa nitebat*
Aurea, *læva capit Regis, præſente ſacrorum*
Præſide, quod faciem *effigiabat* totius Orbis;
Ut diſcat quæ jam latiſſima regna capeſſat,
Eſſe ſibi geſtanda Manu quaſi, Durior olim
Si qua premat Miſeros ſors regni fortè Colonos:
Imperiúmque uni, quem Crux *deſignat,* Ieſu
Acceptum referat, ſolus qui temperet Orbem
Arbitrio, & nutu Cœleſtem torqueat Axem.

Touching the *Globe* and *Croſs*, you may ſee more in *Gretzer. tom.* 1. *de ſancta Cruce lib.* 2. *cap.* 54. & *tom.* 3. *lib.* 1. *cap.* 14. Divers other Imperial Enſigns were in old *Rome*, that have been many ages ſince obſolete. And ſome other alſo of the later time are of leſs note both in the Eaſtern and Weſtern Empires and alſo in other Kingdoms where Crowns have been uſed. For thoſe of the elder times in the Empire, as the Fortune of Gold, Fire carried before the Emperor, the Purple Robe, ſhoes with Eagles on them, the *Labarum* or holy Standard and ſuch more, they may be eaſier learned by any out of the Collections of *Julius Cæſar Bullinger de Imperatore & Imperio Romano*, *Lipſius*, *Gretſer*, *Boſius*, that write *De Cruce*, *Baronius* and ſuch others, than they could be here more particularly delivered. And for thoſe other Enſigns of the later uſe; you may obſerve the Ceremonials anon here tranſcribed, and other directions there alſo given to find them.

IV. In the parts of diviſion of this Chapter, the next is that of Inauguration of ſome Princes which uſe no Crowns. The *Grand Signior* is one, whoſe habit is richer than the reſt, and his Tulipant varied from theirs by the price and glory of jewels and the greatneſs or height of the faſhion; as in proportion, the Tulipants of his [x] *Baſſas*, *Chiauſes*, and

[x] *Videſis Cotovic. lib.* 4. *Itinerar. Hieroſolym. cap.* 18.

and of others in that Empire are. And *Bodin* (though the reason that moved him, perhaps were false) writes truly, [y] that *Nulli Principes Musulmani* Coronam *capiti suo imponunt, tametsi antea* Asiæ & Africæ *Regibus id usitatum fuisset.* But neither did the old *Mahumedan Chaliphs*, it seems, use Crowns or Royal Diadems, but only the Cydaris or Tulipant as at this day. For of one of them, says *Benjamin* [z] *Ben-Jona*, as he is turn'd by *Arius Montanus*; *Vehitur ille Mula* (it was *Mustetzi*, as I think, who was *Chaliph* about 1180. of our Saviour) *Regiis vestimentis ex auro & argento contextis indutus, caput* Cydari *ornatus incomparabilis pretii lapidibus splendenti. Super* Cydarim *vero nigrum sudarium gestat, quo gestamine sæculi hujus verecundiam profitetur.* And of the first of the *Othomanique* Race also; *Leunclavius*, that [a] he lies buried at *Prusa* (the chief city of *Bithynia*) having on his Tomb *extrinsecus superimpositum Tulipantum vetus, non admodum magnum, quodq; spiras subtilius & majori artificio circumvolutas habet quàm in iis* Tulipantis *videamus quæ Turci suis nunc gestare capitibus solent.* But in that of the *Mahumedan* and *Othomanique* Emperors taken out of *Abraham Zacuth* by [b] *Joseph Scaliger*, the *Insignia Regni* in the beginning of the *Othomanique* reign are *vexillum, Ensis & indumenta.*

y *De repub. lib. 1. cap. 9.*

z *In Itinerario.*

a *Indice Libitinario.*

b *Canon. Isagog. lib. 2. pag. 146.*

In *Ægypt*, the *Greek Sultans* used a [c] Tulipant made of threescore or more ells of thin stuff diversly folded, so that VI wreaths like horns stood out of it, whereof four were about a spans length, and the other two between them about a cubit long. But this was not proper to the Great *Sultans*. Their chiefest and nearest Princes wore the like. So that the inauguration of the *Mahumedan* Princes, is rather by solemn acclamations and placing them in the Imperial Throne than in putting on any habit; though the Richness of the Predecessor and Honour of the place must of necessity make the habit singular. *Leunclavius* shews us how *Selim* II. was inaugurated after the death of his father *Soliman*. Upon the day appointed.

c *Pet. Martyr. Legat. Babylon. lib. 3. & Mart. à Baumgart. Peregrin. 1. cap. 17.*

Deductus, says [d] he, *in Saraium, solio consedit Imperatorio illius cubiculi quod solis est Sultanis* Osmanidarum *gente prognatis occupare permissum. Inde per Urbem, proclamationes more majorum factæ, quibus, vota primum concipiebantur ut anima* Solimanis *in paradiso fœlix ævum ageret ac in perpetua gloria quiesceret; deinde multos ut annos viveret Sultanus* Selimes Chan, *prosperique status incremento continuo frueretur.*

d *Supplement. Annal. Turc. ann. Christi 1566.*

Nor is the course much different when the Father declares his son there [e] for *Grand Signior*. But though the Emperors there have not either Crown or Diadem, the Empresses or Sultanesses, it seems, have a Diadem after the antient form, but enricht with stones and tied on as in the eldest times both on the Kings of *Asia*, *Africk* and *Europe*. *Ne* Sultanæ *quidem* (says *Leunclavius*) *ipsorum Calyptrâ coronâve Regibus nostris usitata caput ornant; sed verâ tæniâ sive fasciâ sive* Diademate *variis & exquisiti pretii gemmis distincto, quod ad sinciput colligatur.*

e *Idem Pandect. Turcic. cap. 199.*

The King or Emperor of *Russia* also (for so he is called, and truly is so, though often be be titled only great Duke) uses no Crown. But the Royal Ensign of his head is a rich Cap [f] of Purple. And his inauguration is thus described by one [g] that was emploied thither by Queen *Elizabeth*.

f *Paul. Oderborn in vita Theodor. 1. & videsis Sigism. Lib. in Reb. Moscoviticis.*

g *Fletcher* in his *Russian* Commonwealth, *chap. 5.*

The Inauguration of the Emperor of *Russia.*

The solemnities used at the Russe *Emperors Coronation, are on this manner. In the great Church of* Precheste *(or our Lady) within the Emperors Castle, is erected a stage, whereon standeth a Screen that beareth upon it the* Imperial Cap *and Robe of very rich stuff. When the day of the Inauguration is come, there resort thither, first, the Patriarch with the Metropolitanes, Archbishops, Bishops, Abbots, and Priors, all richly clad in their* Pontificalibus. *Then enter the Deacons with the Quire of Singers. Who so soon as the Emperor setteth foot into the Church, begin to sing:* Many years may live Noble Theodore Juanowich, *&c. whereunto the Patriarch and Metropolite, with the rest of the Clergy, answer with a certain Hymn in form of a Prayer, singing it altogether with a great noise. The Hymn being ended, the Patriarch with the Emperour mount up the stage where standeth a seat ready for the Emperour. Whereupon the* Patriarch *willeth him to sit down; and then placing himself by him upon another seat provided for that purpose, boweth down his head towards the ground and saith this praier:* Oh Lord God King of Kings, Lord of Lords, which by thy Prophet *Samuel* didest choose thy servant *David*, and anoint him for King over thy people *Israel*, hear now our praiers, and look from thy Sanctuary upon this thy servant *Theodore*, whom thou hast chosen, and exalted for King over these thy holy Nations; anoint him with the Oyl of gladness, protect him by thy power, put upon his head a Crown of gold and precious stones, giue him length of days, place him in the seat of justice, strengthen his arm, make subject unto him all the barbarous Nations. Let thy fear be in his whole heart, turn him from an evil faith, and from all error, and shew him the salvation of thy holy, and universal Church, that he may judge thy People with justice, and protect the children of the poor, and finally attain everlasting life. *This praier he speaketh with a low voice, and then pronounceth alowd:* All praise and power to God the Father, the Son, and the holy Ghost. *The praier being ended, he commandeth certain Abbots to reach the Imperial Robe, and Cap: which is done very decently, and with great solemnity, the Patriarch withal pronouncing aloud:* Peace be unto all. *And so he beginneth another praier to this effect:* Bow your selves together with us, and pray to him that reigneth over

The Inauguration of the Emperour of *Russia.*

over all. Preserve him (O Lord) under thy holy protection, keep him that he may do good and holy things, let Justice shine forth in his days, that we may live quietly without strife and malice. *This is pronounced somewhat softly by the Patriarch, whereto he addeth again alowd:* Thou art the King of the whole World, and the Saviour of our souls; to thee the Father, Son, and holy Ghost, be all praise for ever and ever. Amen. *Then putting on the Robe and the Cap, he blesseth the Emperour with the sign of the Cross: saying withall*, In the Name of the Father, the Son, and the holy Ghost. *The like is done by the Metropolites, Archbishops, and Bishops: who all in their order come to the Chair, and one after another bless the Emperour with their two fore-fingers. Then is said by the Patriarch another prayer, that beginneth:* O most holy Virgin Mother of God, &c. *After which a Deacon pronounceth with an high lowd voice:* Many years to Noble *Theodore*, good, honourable, beloved of God, great Duke of *Volodemer*, of *Mosko*, Emperour and Monarch of all *Russia*, etc. *whereto the other Priests and Deacons, that stand somewhat far off by the Altar or Table, answer singing*, Many years, Many years to the Noble *Theodore*; *The same note is taken up by the Priests and Deacons that are placed at the right and left side of the Church, and then altogether they chaunt and thunder out, singing:* Many years to the Noble *Theodore*, good, honourable, beloved of God, great Duke of *Volodemer*, *Mosko*, Emperour of all *Russia*, etc. *These solemnities being ended, first cometh the Patriarch with the Metropolites, Archbishops and Bishops, then the Nobility and the whole Company in their order, to do homage to the Emperour, bending down their heads, and knocking them at his feet to the very ground.*

The stile wherewith he is invested at his Coronation, runneth after this manner.

Theodore Juanowich, by the grace of God, great Lord and Emperour of all *Russia*, great Duke of *Volodemer*, *Mosko*, and *Novograd*, King of *Gazan*, King of *Astracan*, Lord of *Plesko*, and great Duke of *Smolensko*, of *Twerria*, *Jonghoria*, *Permia*, *Vadska*, *Bulghoria*, and others; Lord and great Duke of *Novograd* of the low Country, of *Cherniga*, *Rezan*, *Polotskoy*, *Rostove*, *Yarusslaveley*, *Bealozera*, *Liefland*, *Oudoria*, *Obdoria*, and *Condensa*, Commander of all *Siberia*;

and of the North Parts, and Lord of many other Countries, &c.

This ſtile (ſaith the Authour) *containeth in it all the Emperour's Provinces, and ſetteth forth his Greatneſs. And therefore they have a great delight and pride in it, forcing not only their own people, but alſo ſtrangers (that have any matter to deliver to the Emperour by ſpeech or writing) to repeat the whole form from the beginning to the end. Which breedeth much cavil and ſometime quarrel betwixt them and the* Tartar *and* Poland *Ambaſſadours; who refuſe to call him* Czar, *that is Emperour, and to repeat the other parts of his long ſtile. My ſelf when I had audience of the Emperour, thought good to ſalute him only with thus much, viz.* Emperour of all *Ruſſia*, great Duke of *Volodemer*, *Mosko*, and *Novograd*, King of *Cazan*, King of *Aſtracan*. *The reſt I omitted of purpoſe becauſe I knew they gloried, to have their ſtile appear to be of a larger Volume than the Queens of* England. *But this was taken in ſo ill part, that the Chancellour (who then attended the Emperour with the reſt of the Nobility) with a loud chaſing voice called ſtill out upon me to ſay out the reſt. Where to I anſwered, that the Emperour's ſtile was very long, and could not be ſo well remembred by ſtrangers; that I had repeated ſo much of it, as might ſhew that I gave honour to the reſt, &c. But all would not ſerve till I commanded my Interpreter to ſay it all out.*

The antient form likewiſe of Inauguration of ſome Kings in the Northern Parts by ſetting them on a ſtone only with acclamations of noiſes of ſucceſs to them, is remembred in [a] *Saxo Grammaticus* and others that write of thoſe Parts.

[a] *Hiſt. Dan. lib.* 1.

V. The other Enſigns and Ceremonies uſed (beſide *Anointing*, the *Crown*, *Scepter*, and *Globe* and *Croſs*) at the Inauguration of Supreme Princes of Chriſtendom that are crowned may beſt be known out of the Ceremonials peculiar to every Kingdom. But of them I ſee but few extant with the ſtamp of Publick Authority on them. Nor have I met with any other of that kind than thoſe which the old *Ordo Romanus* and the *Pontificale* ſhew us, beſide the *French* Ceremonial of Coronation. For though we have divers Copies for *England*, and that very antient; yet they both vary often among themſelves, and I find not one that I dare confidently publiſh as having been allowed for all times by Publick Authority in this Kingdom. The want of it with us, for ſome times and in ſome things, is ſupplied in the Coronations of our Kings related in ſome of our old ſtories. *Roger* of *Hoveden* hath an *Ordo Coronationis* of King *Richard* the Firſt, with moſt of the particulars of that time *fol.* 374. in the *London* Edition, and *fol.* 656. in that of *Frankfort*. The ſame alſo, but not ſo fully, is in *Matthew Paris fol.* 205. in the *London* Edition of him. And he hath alſo ſome thing of the

the Ceremonies of the first Coronation of *Henry* the Third *pag.* 386. and of the Coronation of his Queen *Ælianor fol.* 563. which is more fully related also in the Red Book of the Exchequer. Others in the beginnings of some of our following Kings have some thing of this nature. And to these, joyn that of *Robert Holkot in lib. Sapientiæ lect.* 75. where I see he meant the Coronation of the Kings of *England* by the *Accipe Armillas* &c. which I have not observed in any other. But I omit all those particulars, both because they are easily found in these Authours, and for that they are not warrant enough to collect any part of a Ceremonial to shew the general use. The like may be said of other Kingdoms except those whose Ceremonials we shall here insert. But also with them I shall joyn the Ceremonies of Coronation heretofore used in the Eastern Empire. For though we have not any Ceremonial (to such purpose) among the many Volumes that specially belong to the *Greek* Church, or otherwise, that hath any sufficient character in it of Publick Authority given by the Emperour or State there, yet both in *Georgius Codinus* and in *Joannes Cantacuzenus* (who was also an Emperour himself of that Empire) we have the particulars of their Eastern Coronation, for the later Ages, so declared, that a sufficient supply of a *Greek* Ceremonial or Coronation may be gained out of them. These two in their Narrations do not so much disagree. But the one is sometimes fuller than the other. Therefore I transcribe one of them and give short notes only out of the other; so, both to shew enough how they differ, and to give a whole Ceremonial out of them. I rather choose *Cantacuzenus*, as well because he was Emperour himself, and might best know the Ceremonies of their Coronation, as for that his History (out of which I take it) is not, I think, so obvious, as that of *Codinus*. *Cantacuzenus* speaking of the Coronation of the Emperour *Andronicus* the yonger, takes occasion to tell us of the whole form that had been in use in S. *Sophies* at *Constantinople* as with us in S. *Peter* at *Westminster*. His *Greek* is not Publick. But, as it is translated into *Latine* out of the Ms. remaining in the Duke of *Bavier*'s Library, by *Pontanus* a Jesuit, that hath deserved very well of the Oriental story, it is [b] thus. And the Ceremonies as well for the Coronation when a preceding Emperour would crown his Successour, as when a Successour was crowned after the death of his Predecessour, and how an Empress, are together related.

b *Cantacuzen. Hist. lib.* 1. *cap.* 41.

Instante die præfinita, qua constitutum est sacrato unguento Imperatorem inungere, omnes qui aliqua dignitate funguntur, & Proceres & Milites, quinetiam ad Sacræ Ecclesiæ hujus novæ Romæ, *gubernacula sedentes, populum insuper universum Oriente luce aâ palatium convenire oportet. Sub horam porrò diei maximè secundam, Imperatore inungendo super scutum* [c] *elevato, Imperator* parens renunciati Imperatoris, *si supereſt, et* Patriarcha *anteriora scuti apprehendentes, latera autem, et posteriora, qui dignitate antistant* Despotæ [d] *et* Sebastocratores, *si sunt, alioqui Principum nobilissimi; ipsumque cum scuto in altum quantum possunt tollentes, undique circumfuso populo ostentant. Post faustam, ac lætam acclamationem eum*

c Before this (in *Codinus*) he makes a profession of his Christian faith and causes mony to be cast among the people. And so, at the end here it is remembred by *Cantacuzenus*.

d Of these Dignities, in the second Part.

eum deponunt, atque in [e] *templum, in quo ſollemni ritu Coronandus eſt, deducunt: ubi parvula domus, ad hunc uſum, è ligno præparata, in quam introducitur novus Imperator. Ibi cum* [f] *purpura, et Diademate priùs per Epiſcopos conſecratis induunt. Capiti mos non eſt quidquam, niſi* [g] *Coronam imponi, aut aliud quod videtur. His actis ſacroſancta* [h] *myſtagogia, ſeu Miſſa habetur. Proximè domunculam jam dictam anabathra, id eſt, aſcenſus, ſeu tabulatum, ſeu pulpitum æquè è ligno paratur, quod undique velis, ſeu tapetibus ſericis rubris circundatur, et conſternitur. Super illo throni collocantur Aurei, pro Imperatorum* [i] *numero: non quales alii eorum throni ſunt: ſed excelſi admodum, cum quatuor, aut quinque gradibus, quos domicilio egreſſi Imperatores, ſi plures fuerint, conſcendunt, et in iis conſidunt. Aſcendunt tabulatum ſimul* Imperatrices, *et ſuos item thronos occupant, quæ priùs coronatæ fuerant, inſigne* [k] *ſuum in capite geſtantes: coronanda autem aliam quampiam* [l] *Coronam, ſive ſertum ferens. Jam verò antequam divinus* Triſagii *hymnus decantetur, ex adytis egrediens Patriarcha, ambonem, ſive ſacrum ſuggeſtum aſcendit, cum illuſtrioribus Eccleſiæ Principibus, qui et ipſi ſacris ſtolis cooperti ſunt, quos ad Imperatores accerſendos mittit. Illi confeſtim è ſoliis ſurgentes, ad ambonem vadunt. Populus univerſus altum quietiſſimè ſilet. Patriarcha precationes ad Imperatorum* unctionem *compoſitas, aliàs ſubmiſſa, aliàs clara voce, omnibus audientibus ordine recitat: ac Deum, ei qui ungendus eſt, propitiat. Tum novus Imperator tegmen capitis, quodcunque fuerit, deponit, et quotquot in templo adſunt, ſolemni more nudatis verticibus aſtant. Patriarcha in formam Crucis verticem Imperatoris* ſacro unguento *perlinit, et elata voce addit,* * *SANCTUS: quam excipientes, qui in ambone ſtant, ter pronuntiant: quod deindè populus ſimilitèr facit. Poſteà Diaconi ſacratis amicti ſtolis,* Coronam *quam in adytis tenent (non enim, ut quidam aiunt, ſuper menſam ſacram reponitur) ad ambonem portant. Quod ſi adeſt Imperator anteà coronatus, tum Patriarcha novo Imperatori* Coronam *imponit, & exclamat Patriarcha,* * *DIGNUS. Idem tertium exclamant qui in ambone ſunt, & poſt eos populus, perindè, ut poſt* unctionem *fiebat. Tum rurſus* Patriarcha *preces recitat, diſcenditque ex ambone Imperator, non qua parte aſcenderat, ſed verſus* [m] *Soleam. Si fortè illo tempore caruerit uxore, rectà conſcenſo throno, iterùm ſedet: ſi habet, omnino & illam* Coronâ *inſignire neceſſe eſt. E throno* [n] *itaque ſurgentem duo è propinquiſſimis dextrâ, lævâque eam prenſantes, aut ſi illi deſint*

The Coronation of the *Greek* Emperours.

e S. *Sophiæ* Church.

f *Codinus* uſes the word Σάκκος for this Purple. See *Meurſ. Gloſſ. Græco-barb.* in Σάκκος.

g στέφανον, *Codin.*

h τελετὴν ἢ λειτουργίαν. *Codinus.*

i When the Succeſſour was crowned in the life of his Predeceſſour.

k τὸ ἑαυτῶν στέμμα, *Codinus*; or an Imperial Crown.

l στέφανον, *Codinus.*

* Ἅγιος.

* Ἄξιος.

m Towards the Eaſt. Σόλεα ea pars templi quæ ſolem ſpectat. Fr. Junius in Notis ad Curopalat.

n If the Empreſs-Mother were then living with her husband, ſhe ſtood crowned holding a Scepter of gold (Βέργαν χρυσῆν) ſet richly with pearls and other ſtones. But if ſhe were a widow, ſhe held her Scepter, ſtanding or ſitting in a habit of mourning. And I take that ἔνδυμα μέλαν καὶ μανδύαν ὀξύν, to be in *Codinus* literally *a black Robe* and *a purple* or *Red Hood.*

sint, eunuchi de anabathra seu ascensu deducunt, & ante Soleam constituunt. Tum descendit de ambone Imperator, & paratam illi [o] Coronam *à propinquis, aut eunuchis, eam similiter tenentibus, accipiens, uxoris capiti imponit: quæ maritum Imperatorem adorans, ità se illi subjectam profitetur. Patriarcha verò ad Soleam consistens, pro Imperatore, Imperatrice, et eorum populis preces pronunciat. Hoc igitur modo Imperator conjugem suam* coronat. *Si anteà* corona *ipse indutus fuit, inter sacra nuptiarum* [p] *id facit. Coronati ambo, qua dictum est cæremonia, denuò anabathram ascendentes, in thronis residen. Dum reliquum* [q] *Missæ absolvitur, et* Trisagion *cantatur, aut* [r] *de Apostolicis literis, sacrisve Scripturis aliquid recitatur, et ipsi assurgunt. Ex utraque verò templi parte, super ligneis anabathris, seu ponticulis ad hoc ipsum comparatis, stantes Protopsaltæ, et qui Domestici vocantur, et cæteri ordinis Ecclesiastici qui cantare norunt (quos in talibus sacris* κράκλας, *id est, clamatores appellari mos est) cantica quædam de industria ad hujus diei festi celebritatem confecta modulantur. Quando autem in sacri mystagogia jam tempus est, ut instituatur intra templum supplicatio, sive processio, qua panis, et vinum consecranda in Sancta Sanctorum, sive in Tabernaculum ad Altare primarium inferantur, quæ* μεγάλη εἴσοδος *appellatur, honoratiores Ecclesiæ Diaconi accidentes, Imperatorem vocant, et is cum illis ad Propositionem, quæ dicitur, ubi* [t] *sancta sunt pōsita, accedit. Stans autem adhuc foris,* mandyam aureum *suprà* Diadema, *et* Purpuram *induitur: ac dextra quidem gestat* Crucem, *quam gestare solet, quamdiu* Coronam *gestat: sinistræ* [t] *Ferulam tradunt,* [u] *ut ordinem seu locum Ecclesiasticum teneat ejus, qui deputatus appellatur. Hæc manibus tenens, toto incessu, seu pompâ sacra præcedit. Ad utrumque latus* Barangi [x] *cum securibus, et claro sanguine juvenes armati, aut etiam inermes, circiter centum compositè sequuntur, rectaque post ipsum linea Diaconi, et Sacerdotes ordine incedunt, sacra vasa, et instrumenta cum reliquiis et omnium* Sanctissima *(Eucharistiam) inferentes. Templo de more circuito, ubi ad Soleam veniunt, alii quidem omnes foris manent, Imperator solus ingressus, Patriarcham ad sanctas fores stantem invenit. Postquam consalutarunt, Patriarcha intus, Imperator foris inclinatis capitibus, stantes expectant. Protinus qui pone Imperatorem alios Diaconos* [y] *antecedit, dextra tenens thuribulum, sinistra humerale* [z] *Patriarchæ, quod dicitur, accedens Imperatorem, thure vaporat. Quo caput inclinante, Diaconus sublata voce inquit,* [a] Memor sit Dominus Deus Potentiæ

The Coronation of the *Greek* Emperours.

o But her Crown was of another form than the Emperours. *Codinus.*

p *De eare videsis* Theophylact. Symocattæ Hist. Mauric. *lib.* 1. *cap.* 10.

q Τὸ μὲν ἄλλης μυσταγωγίας γινομένης. *Codinus.*

r Τῶν ἀποστολικῶν γραφῶν, ἢ τῆς θείας εὐαγγελίων. *Codinus*: that is, either some Epistles or Gospels.

s Τὰ ἅγια, or the Sacrament of the Altar.

t Ῥάβδῳ, *Codinus.*

u ἐπέχει γὰρ τότε τάξιν ἐκκλησιαστικῶν καλεῖται δὲ πόλε· ita Codinus; & *nihil de Deputato; hoc in loco*

x The Emperour's nearest Guard, and of the *English* Nation. *Vide* Codinum *pag.* 114. & *ad eum* Jun & Camden. *Brit. pag.* 110.

y ὁ ἀνυψερίων τῆς Διακόνων. *Codinus.*

z ὠμοφόριον, *Codinus.*

a μνησθείη Κύριος ὁ Θεὸς τῆς κράτους τῆς Βασιλείας σας ἐν τῇ Βασιλείᾳ αὐτοῦ, πάντοτε νῦν καὶ ἀεὶ καὶ εἰς τοὺς αἰῶνας τῶν αἰώνων. *Codinus*

where I would rather turn τὸ κράτος τῆς Βασιλείας σας *by the dignity of your Majesty*, than by *Potentiæ Imperii Vestri* as *Pontanus* doth.

The Coronation of the *Greek* Emperours.

Potentiæ Imperii veſtri, in Regno ſuo ubique, nunc & ſemper, et in ſæcula ſæculorum, *addens*, Amen. *Deinceps & reliqui Diaconi, ac Sacerdotes adeuntes, idem comprecantur. Hoc perfecto, Imperator, rurſus ſalutato Patriarcha*, mandyam, *ſeu penulam deponit (quam, pro conſuetudine, Eccleſiæ Referendarius aufert) denuóq; anabathram aſcendens, in throno conſidit, ſub ſymbolo fidei, oratione Dominica, & elevatione Dominici, & ſacri corporis exſurgens. Facta elevatione, Imperator ſi ad ſacram communionem paratus non eſt, uſq; ad finem ſacræ myſtagogiæ in throno ſedet. Si paratus, venientes Diaconi eum rurſus accerſunt: quibuſcum ſtatim in adyta ingreditur, traditoq; ſibi thuribulo, ſacræ menſæ ſuffitum facit,* [b] *primùm quidem ad Orientem, tum ad Septentrionem, poſt ad Occidentem, & tandem ad Meridiem reſpiciens. Dumque iterum ad Orientem thuris fumum ſpargit, in ipſum quóq; Patriarcham idfacit: qui Imperatorem ſalutans, deq; ejus manu thuribulum capiens, illum viciſſim ſuffitu honorat. Poſt hæc* Coronam *de capite ſuo auferens Imperator, Diaconis tradit: cui Patriarcha in manum dat partem corporis Dominici; factuſq; ejus Particeps, etiam de ſanguine vivifico communicat; non quomodo vulgus è vaſculo, ſed ipſo cratere, ſeu calice, Sacerdotum more.*

b σταυροειδῶς in the form of a Croſs. *Codinus.*

Corona in caput repoſita, ex adytis progreditur. Myſtagogiâ finitâ, diſtributæ populo [c] *ſanctificationis rurſum particeps effectus, & à Patriarcha, præſentibuſq; Epiſcopis benedictione impertitus, & dextras eorum apprehenſas oſculatus, in locum, qui* [d] Catechumena *vocatur, aſcendit, ut ab omnibus repente conſpectus, fauſtis acclamationibus excipiatur. Hoc etiam conſummato, deſcendit, ipſeq; &* Auguſta *ſoli equis inſidentes, cæteris omnibus ponè ambulantibus, in palatium portantur; ibi inſtructa menſa,* Magno Domeſtico, *aut ſi ille non eſt,* Deſpota *miniſtrante, coronati epulantur. Per dies item conſequentes, plus minùs decem (neq; enim numerus dierum feſtorum lege præſcribitur, ſed in arbitrio Imperatoris eſt)* Diademate, [e] Corona, & Purpura *in regio veſtiario depoſitis, pretioſo nihilominus, & regali cultu ſplendide ferias agunt. Prandiis ſumptuoſe apparatis, Proceres omnes coram Imperatoribus convivantur, ipſis quoque ſeparatim, Præfecto Regiæ menſæ miniſtrante accumbentibus. Magnus Domeſticus locum ſibi convenientem tenens, cum iiſdem init epulas.*

c That which was diſtributed they called ἀντίδωρον. It was holy-bread given after the Maſs ended. *Vide Meurſ. voce* Ἀντίδωρον. d The peculiar place where thoſe, that were to be catechiſed, ſtood. There he had an hymn ſung to him. *Codinus.* e This of *Corona*, I conceive, hath reference to that of the Empreſs only.

Sed memorabile eſt in hac cæremonia (ſaith *Cantacuzenus*) *quod omiſimus. Die quo Imperator unctus è templo exit, ab aliquo ejus Optimatium, quem ad hoc delegerit, in populum jaciuntur,*

ciuntur, quæ vocant [f] Epicombia. *Sunt autem fasciculi, segmentis linteis illigata, habentes Numismata aurea imperatoria tria, totidem argentea, aut plura, & obolos æreos totidem. Sparguntur hujusmodi fasciculi circiter decies mille, in vestibulo templi præcipuè. Sub ipsum verò diem in palatio, Populo toto congregato, ab eodem ex Optimatibus tot, pluresvè jaciuntur fasciculi. Postero die de populo adest nemo; adest autem quicquid est Militum, & famulorum, seu Ministrorum aulicorum Imperatoris. Tum in atrium palatii descendens, astante Quæstore suo, gerentèque laciniam vestis plenam imperatoria pecunia, eaque aurea, manu plena sumens, in orbem dispergit. Qua tota dispersa, quæstor laciniam iterum, & tertium, & quartum, & sæpiùs implet. Causa hujus distributionis auri hæc est, quod Imperator de suo sumptum faciens, omnes secum lætari, unaque festum diem celebrare cupit. Ritus igitur in* Coronatione Imperatorum *servari solitus talis est: & servatus est etiam in* Andronico *juniore Imperatore, indictione octava, ineunte mense Februario.*

The Coronation of the *Greek* Emperours.

[f] Ἐπικόμβια de quibus consule porrò *Meursium* in Glossario, eodem vocabulo.

This is of the time of MCCCXXX. of our Saviour, and is the best [g] Authority for the Rites of Coronation in that *Greek* Empire while it stood. Something of a more antient fashion there, you may see in *Leunclavius* his *Turkish Pandects cap.* 119. And this was the shape of the Emperour in his Crown and Robes of Coronation.

[g] Vide item *Cantacuzen. Hist. lib. 4. cap. 4.*

But for the Western Empire; there is in the old Ritual or *Ordo Romanus* (which is common to be had among the other antient Treatises *de Divinis Officiis*) a Ceremonial for the

The Coronation of a *King* out of *Pontificale* of *Rome.*

Coronation of the Emperour at *Rome.* Wherein (beſide ſome Prayers) there is no obſervable action of ſolemnity remembred ſaving what Biſhops muſt ſay the firſt and ſecond Prayers, and the Biſhop of *Hoſtia*'s anointing him on the right arm and *Inter Scapulas*, and the Popes crowning him. Moſt of the reſt of the particulars being referred to the preceding Ceremonial in the ſame Volume, for the Coronation of a King, which, becauſe it is obvious enough (and the later *Pontificales* of *Rome* have a larger that ſhall anon follow here) I tranſcribe not. Only this I obſerve of it out of *Sigonius*, that the Coronation of the Emperour as King of *Italy* at *Millain* or *Monza* (performed by the Archbiſhop of *Millain*) [h] was to be done according to that Ceremonial. *Ea res*, ſaith [i] he, *maximâ fieri cæremonia conſuevit quæ in Rituali Antiquiſſimo continetur qui* Ordo Romanus *vocatur.* And the very ſyllables of much of that *Ordo* or Ritual are fitted to the Coronations of our antient Kings in the ſame *Pontificale* out of which ſome Pieces are before inſerted. You may eaſily enough compare the *Ordo Romanus* with thoſe Pieces. But the Ceremonies belonging to the Coronation of the Emperour of the Weſt (eſpecially to his firſt Coronation) are beſt and eaſieſt known out of the particular narrations of the Coronations of ſome Emperours; as thoſe written by *Antonius Flaminius*, *Georgius Sabinus*, *Hartmannus Maurus*, *Cornelius Agrippa*, *Gaſpar Ens*, beſide ſuch other, that ſhew at large the Rites uſed at the Coronations of *Charles* V. *Maximilian* I. and II. *Matthias*, the preſent *Ferdinand*, with more of that kind, all which are the moſt part ſeverally publiſhed; and, for the moſt part alſo, collected together by *Melchior Goldaſtus* in his *Politica Imperialia* and may be there eaſily ſeen. And with them might be reckoned *Marcellus* [k] *Corcyrenſis*. But the chief matter in him concerning this, is tranſcribed alſo in *Goldaſtus*. But alſo with theſe directions for the Rites and Enſigns uſed in the Imperial Coronations, obſerve (to make the ſtore fuller) *Aventin. Annal. Bojorum lib.* 5. of the old Enſigns that are kept at *Norimberg*, *Gretſer*'s *Syntagma de S. R. Imperii Sacroſanctis relliquiis & Regalibus monimentis*, and *Onuphrius de Comitiis Imperatoriis*. And I have a ſhort form of the Coronation of the Emperour Printed in 1558. in *Italian*, where, after the Coronation ended in *Rome*, the Emperour (ſaies the Authour) is not to ſtay above one night in the City, and at his going out he is to go up to the top of a hill called *Monte Mauro* (ſome two miles from the walls) and there with his hands lifted to Heaven, pronounce with a high and diſtinct voice theſe words,

h See before *pag.* 131.

i *De Regno Italiæ lib.* 4.

k *Sacr. ar. Cerem. lib.* 1. *ſect.* 13.

Tutte le coſe che videmo ſon noſtre, et pertengono alli noſtri commandamenti.

But we inſert at large here that Ceremonial for Coronation of a King with his Queen (in an elective Kingdom; For ſo the words of it often import) that occurrs in the *Pontificale* of *Rome* which is affirmed by Pope *Clement* VIII. in his Bull upon it, to have been ſo accurately compoſed and publiſhed, *Ut nihil ab antiquis* Pontificalium *Codicibus, qui tum in Clarioribus Urbis Eccleſiis tum in Noſtra Vaticana Bibliotheca, ac deniq; in quibuſdam aliis inſignibus locis aſſervantur, alienum aut diſcrepans irrepſerit.* We inſert it ſo here, both becauſe of the Authority and Antiquity of it, as alſo becauſe the *Pontificale* it ſelf is but in very few hands. And after it, we adde one for the uſe of *France* (being an hereditary Kingdom) allowed under the hand of one of the *French* Kings.

De

The Coronation of a King out of the *Pontificale* of *Rome*.

De Benedictione, et Coronatione Regis.

Cum Rex est coronandus, *Episcopi* Regni ad Civitatem ubi Coronatio fieri debet, convocantur. Rex triduanum jejunium devotè peragit, per hebdomadam præcedentem, videlicet quarta, & sexta feria, & sabbato. Dominica vero proxima sequenti Coronatur, qua ipse Rex se ad communionem parat. Ecclesia vero ipsa Metropolitana, sive Cathedralis, ubi solemnitas celebrabitur, paretur, & ornetur, quo melius fieri poterit. Ad altare majus parantur ea, quæ consueta sunt parari, Pontifice celebrante; & credentia juxta altare cum rebus opportunis. Super altare ponitur *Gladius*, *Corona*, & *Sceptrum* Regi danda, & *Oleum Cathecumenorum*; *bombyx* ad ligandum, & extergendum brachium Regis et inter scapulas post unctionem; *fascia* ad ligandum bombycem in brachio. Paratur in Ecclesia, in loco competenti *Thalamus*, sive suggestum pro Rege, in quo sit Regalis sedes ornata, et thalamus ipse sit ornatus pannis sericeis, et aulæis. Sed advertendum est, quod altitudo thalami non sit major quam gradus supremus altaris. Paratur etiam in loco convenienti *Tentorium*, sive papilio, sub quo Rex vestes regales, pro regni consuetudine, quæ ibidem pro eo parantur, suo tempore recipit. Et si *Regina* etiam simul est coronanda, paratur pro ea alius *Thalamus*, non longe à regio, sed illo aliquantulum humilior; et ita sunt situandi thalami, ut inde possint videri altare, et Pontifex celebrans. Parantur etiam ante altare hinc et inde sedes, pro numero *Episcoporum* coronationi interessentium.

Pontificale Romanum, Romæ 1611. *fol.* 151.

Die autem Dominica, qua Rex benedicendus et coronandus est, omnes *Episcopi* conveniunt manè in Ecclesia, in qua hoc fieri debet; et Metropolitanus, sive Pontifex, ad quem spectat, parat se solemniter cum Ministris, Missam celebraturus, paramentis tempori convenientibus. *Episcopi* verò induuntur supra *rochetum* (vel supra *superpelliceum*, si sint religiosi) *amictu*, *stola*, *pluviali albo*, *et mitrâ simplici*. Quibus omnibus paratis, *Metropolitanus* in faldistorio ante medium altaris posito sedet cum mitra, et Episcopi parati hinc et inde super sedibus pro eis paratis, quasi in modum coronæ sedentes, sibi assistunt. Interim, Rex vestibus militaribus indutus, cum suis Prælatis Domesticis non paratis, ac Baronibus, Nobilibus, et aliis, venit ad Ecclesiam; et cum fuerit propè presbyterium, duo priores *Episcopi* ex paratis veni-

The Coronation of an elected *King* according to the *Pontificale* of *Rome*.

unt ei obviam, et cum mitris capita illi aliquantulum inclinantes, ipsum inter se medium, *birreto* depositio, usque ante Metropolitanum deducunt, cui *Rex* caput inclinans, humilem reverentiam exhibet; qua facta, prior *Episcoporum* deducentium stans, detecto capite, versus ad *Metropolitanum*, dicit intelligibili voce.

A Bishop offers the *elected* King to the *Metropolitan*.

Reverendissime Pater, postulat sancta Mater Ecclesia Catholica, ut præsentem egregium Militem ad dignitatem Regiam sublevetis.

Interrogat Metropolitanus.

Scitis illum esse dignum, & utilem ad hanc dignitatem?

Ille respondet.

Et novimus, & credimus eum esse dignum & utilem Ecclesiæ Dei, & ad regimen hujus regni.

Metropolitanus dicit.

Deo gratias.

Tunc sedet *Rex* medius inter duos *Episcopos* deducentes, congruenti spatio à *Metropolitano*, ità ut illi faciem vertat; ipsi etiam deducentes *Episcopi*, senior ad dexteram, alius ad sinistram Regis se collocant, ut & ipsi ad alterutrum facies vertant. Quibus sic sedentibus, postquàm aliquantulum quieverint, *Metropolitanus* coronandum *Regem* admonet, dicens.

The Metropolitans speech to the *elected* King.

Cum hodie per manus nostras, optime princeps, qui Christi Salvatoris nostri vice in hac re fungimur (quamvis indigni) sacram unctionem, & regni insignia sis susceptarus; bene est ut te prius de onere, ad quod destinaris moneamus, Regiam hodiè susscipis dignitatem, & regendi fideles populos tibi commissos curam sumis. Præclarum sane inter mortales locum, sed discriminis, laboris, atque anxietatis plenum: verùm, si consideraveris, quod omnis potestas à Domino Deo *est, per quem Reges regnant, & Regum conditores justa decernunt, tu quoque de grege tibi commisso ipsi Deo rationem es redditurus. Primùm, pietatem servabis,* Dominum Deum *tuum tota mente, ac puro corde coles. Christianam religionem, ac fidem Catholicam, quam ab incunabilis professus es, ad finem usque inviolatam retinebis, eamque contra omnes adversantes pro viribus defendes. Ecclesiarum Prælatis, ac reliquis Sacerdotibus condignam reverentiam exhibebis. Ecclesiasticam libertatem non inculcabis. Justitiam, sine qua nulla societas diu consistere potest, erga omnes inconcessè administrabis, bonis præmia, noxiis debitas pœnas retribuendo. Viduas, pupillos, pauperes, ac debiles ab omni oppressione defendes. Omnibus te adeuntibus benignum,*

nignum, manſuetum, atque affabilem, pro regia tua dignitate te præbebis. Et ità te geres, ut non ad tuam, ſed totius populi utilitatem regnare, præmiumque benefactorum tuorum non in terris, ſed in cœlo expectare videaris. Quod ipſe præſtare dignetur, qui vivit, & regnat Deus, *in ſæcula ſæculorum.* Reſp. *Amen.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome*

Rex electus accedit ad *Metropolitanum*, & coram eo, detecto capite, genuflexus, facit hanc profeſſionem, dicens.

The profeſſion and oath of the elected *King to the Metropolitan.*

Ego N. *Deo annuente, futurus Rex* N. *profiteor, & promitto coram* Deo, *& Angelis ejus deinceps Legem, Juſtitiam & Pacem Eccleſiæ Dei, populoque mihi ſubjecto pro poſſe, & noſſe facere, ac ſervare, ſalvo condigno miſericordiæ Dei reſpectu, ſicut in conſilio fidelium meorum melius potero invenire. Pontificibus quoque Eccleſiarum Dei condignum, & Canonicum honorem exhibere; atque ea quæ ab Imperatoribus, & Regibus, Eccleſiis collata, & reddita ſunt, inviolabilitèr obſervare. Abbatibus, Comitibus, & Vaſallis meis congruum honorem, ſecundum conſilium fidelium meorum præſtare.*

Deindè ambabus manibus tangit librum Evangeliorum, quem *Metropolitanus* ante ſe apertum tenet, dicens.

Sic me Deus adjuvet, & hæc ſancta Dei Evangelia.

Poſteà Rex electus *Metropolitani* manum reverentèr oſculatur.

His expeditis, illo genuflexo manente, *Metropolitanus* depoſita mitra, ſurgit, & ſtans verſus ad ipſum coronandum, dicit competenti voce ſequentem orationem, quam etiam dicunt omnes Pontifices parati, ſimilitèr ſine mitris ſtantes; dicunt etiam omnia alia benedictionem, & coronationem ipſam concernentia, voce ſubmiſſa, *Metropolitanum* tamen in omnibus obſervantes, & imitantes.

OREMUS.

A Prayer for the elected *King* almoſt in the ſame ſyllables with that in the *Ordo Romanus*, beginning *Omnipotens æterne Deus*, which is ſcarce differing alſo from that before taken out of the *Saxon Pontificale.*

Omnipotens ſempiterne Deus, Creator omnium, Imperator Angelorum, Rex Regum, & Dominus Dominantium, qui Abraham fidelem ſervum tuum de hoſtibus triumphare feciſti, Moyſi, & Joſue, *populo tuo prælatis multiplicem victoriam tribuiſti, humilémque* David *puerum tuum regni faſtigio ſublimaſti, &* Salomonem *ſapientiæ, paciſque ineffabili munere ditaſti; reſpice, quæſumus, Domine, ad preces humilitatis noſtræ, & ſuper hunc famulum tuum* N. *quem ſupplici devotione in Regem eligimus, Bene ✠ dictionum tuarum dona multiplica, eúmq; dexteræ tuæ potentia ſemper, & ubiq; circunda; quatenus prædicti* Abrahæ *fidelitate firmatus,* Moyſi *manſue-*

tudine

tudine fretus, Josuæ *fortitudine munitus*, David *humilitate exaltatus*, Salomonis *sapientia decoratus*, *tibi in omnibus complaceat & per tramitem justitiæ inoffenso gressu semper incedat*; *tuæ quoque protectionis galea munitus*, *& scuto insuperabili jugitèr protectus*, *armisque cælestibus circumdatus*, *optabilis de hostibus Sanctæ Crucis* Christi *victoriæ triumphum fœlicitèr capiat*, *terrorémque suæ potentiæ illis inferat*, *& pacem tibi militantibus lætantèr reportet. Per Christum Dominum nostrum*, *qui virtute sanctæ Crucis tartara destruxit*, *regnoque Diaboli superato*, *ad cœlos victor ascendit*, *in quo potestas omnis*, *regniq; consistit victoria*, *qui est gloria humilium*, *& vita salusq; populorum*, *qui tecum vivit*, *& regnat in unitate Spiritus Sancti Deus*, *per omnia sæcula sæculorum.* Resp. *Amen.*

Posthæc *Metropolitanus* cum mitra procumbit supra faldistorium. *Rex* verò ad ejus siniſtram in terram prosternit, aliis Prælatis paratis ante sedes suas similitèr procumbentibus. Tunc cantores incipiunt, & prosequantur Litanias, Choro respondente. Cum dictum fuerit.

Ut omnibus fidelibus, *&c.*

Resp. *Te rogamus audi Nos.*

Metropolitanus surgit, & accepto baculo Pastorali in siniſtram manum, super electum *Regem* prostratum, dicit.

Ut hunc electum in Regem *coronandum bene* ✠ *dicere digneris.*

Resp. *Te rogamus audi Nos.*

Secundò dicit.

Ut hunc electum in Regem *coronandum bene* ✠ *dicere & con* ✠ *secrare digneris.*

Resp. *Te rogamus audi Nos.*

Producendo semper super eum signum Crucis. Idem dicunt, & faciunt Episcopi parati, genuflexi tamen permanentes. Quo dicto, Metropolitanus redit ad accubitum, Cantoribus resumentibus, & perficientibus Litanias. Quibus finitis, Metropolitanus, deposita mitra, surgit, illo prostrato, atque Episcopis, deposita mitra, genuflexis manentibus, versus ad coronandum, dicit.

Pater noster.

Vers. *Et ne nos inducas in tentationem.*

Resp. *Sed libera Nos à malo.*

Vers. *Salvum fac servum tuum Domine.*

Resp. *Deus meus sperantem in te.*

Vers. *Esto ei*, *Domine*, *turris fortitudinis.*

Resp. *A facie inimici.*

Vers.

Vers. *Nihil proficiat inimicus in eo.*
Resp. *Et filius iniquitatis non apponat nocere ei.*
Vers. *Domine exaudi orationem meam.*
Resp. *Et clamor meus ad te veniat.*
Vers. *Dominus vobiscum.*
Resp. *Et cum Spiritu tuo.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

Oremus.

Prætende, Domine, huic famulo tuo dexteram cœlestis auxilii; ut te toto corde perquirat, & quæ dignè postulat, consequi mereatur.

Actiones nostras, quæsumus, Domine, aspirando præveni, & adjuvando prosequere; ut cuncta nostra oratio, & operatio à te semper incipiat, & per te cepta finiatur. Per Christum Dominum nostrum. Resp. *Amen.*

Posthæc *Metropolitanus* sedet, accipit mitram, & electus *Rex* coram eo genuflectit, & circumastantibus Prælatis paratis, cum suis mitris in modum coronæ, *Metropolitanus* intingit pollicem dexteræ manus in oleum Cathecumenorum, & inungit in modum Crucis, illius brachium * dexterum, inter juncturam manus, & juncturam cubiti, atque inter scapulas, dicens hanc orationem.

The Anointing of the elected King.

* Nidesis *Innoc. 3. in extr. tit. de sacra unctione. c. 1.* But in the old *Ordo Romanus*, the head is to be anointed. And see before *pag.*

Deus, Dei *filius*, Jesus Christus *Dominus noster, qui à Patre oleo exultationis unctus est, præ participibus suis; ipse per præsentem sanctæ unctionis infusionem* Spiritus Paracliti *super caput tuum bene✠dictionem infundat, eandémq; usq; ad interiora cordis tui penetrare faciat, quatenùs hoc visibili & tractabili oleo, dona invisibilia percipere, & temporali regno justis moderationibus executo, æternaliter cum eo regnare merearis, qui solus sine peccato, Rex Regum vivit, & gloriatur cum Deo Patre in unitate Spiritus Sancti* Deus, *per omnia sæcula sæculorum.* Resp. *Amen.*

Oremus.

Omnipotens sempiterne Deus, *qui* Azahel *super* Syriam, *et* Jehu *super* Israel *per* Eliam, David *quoq; et* Saulem *per* Samuelem *Prophetam in Reges inungi fecisti, tribue, quæsumus, manibus nostris opem tuæ benedictionis, & huic famulo tuo* N. *quem hodiè, licèt indigni, in Regem sacra unctione delinimus, dignam delibutionis hujus efficaciam, & virtutem concede; constitue,* Domine, *principatum super humerum ejus, ut sit fortis, justus, fidelis, providus, & indefessus regni hujus, & populi tui gubernator, infidelium expugnator, justitiæ cultor, meritorum,*

The Coronation of an elected King according to the Pontificale of Rome.

rum, & demeritorum remunerator, Ecclesiæ tuæ sanctæ, & fidei Christianæ defensor, ad decus, & laudem tui nominis gloriosi. Per Dominum nostrum Jesum Christum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti Deus, per omnia sæcula sæculorum.* Resp. *Amen.*

Quo facto, *Metropolitanus* lavat, & abstergit manus, surgit cum mitra, descendit ante altare, ubi deposita mitra, stans, cum suis ministris facit Confessionem. *Rex* verò electus ad partem se retrahit, & genuflexus cum suis Prælatis Domesticis idem facit. Similiter, & *Episcopi* parati sine mitris stantes, bini, & bini, Confessionem dicunt. Finita Confessione, *Metropolitanus* ascendit ad altare, & procedit in Missa, more solito usq; ad *Alleluja*, sive ultimum versum *Tractus*, vel *Sequentiæ* exclusivè, Prælatis paratis juxta suas sedes stantibus vel sedentibus, prout tempus requirit. Interim, schola inchoat *Introitum*, & prosequitur in Missa; & *Rex* à suis ducitur in Sachristiam, vel sub papilione ad hoc parato, ubi inter scapulas & brachium inunctum bombyce bene abstergitur, & induitur regalibus indumentis, & more regni. Paratus itaque *Rex*, & ornatus, procedit cum suis Prælatis, Baronibus, & aliis ad eminentem & ornatum thalamum, in Ecclesia sibi præparatum, & ibi super aliquo faldistorio ornato genuflexus incumbens, audit Missam, quam Prælati sui non parati circumastantes etiam genuflexi legunt usque ad *Alleluja*, sive ultimum versum *Tractus*, vel *Sequentiæ* exclusivè. Missa dicitur de die, & cum Oratione diei, dicitur pro ipso electo Rege, sub uno *Per Dominum*, hæc Oratio.

The apparelling of the elected King in his regal habit.

Quæsumus, Omnipotens Deus, ut famulus tuus N. *Rex noster, qui tua miseratione suscepit regni gubernacula, virtutum etiam omnium percipiat incrementa, quibus decenter ornatus, & vitiorum monstra devitare, & ad te, qui via, veritas, & vita es, glorioſus valeat pervenire. Per Dominum nostrum* Jesum Christum *filium tuum, qui tecum vivit & regnat in unitate Spiritus Sancti Deus, per omnia sæcula sæculorum.* Resp. *Amen.*

Graduali cantato, *Metropolitanus* sedet ante altare cum mitra in faldistorio; & *Rex* à suis associatus medius inter priores Prælatos paratos ad *Metropolitanum* reducitur, cui facta reverentia, ut priùs, genuflectit coram eo. Tunc *Metropolitanus* accipit *Gladium*, quem unus Ministrorum sibi porrigit de altari, & illum evaginatum tradit in manus *Regis*, dicens.

The delivery of the naked Sword to the anointed King.

Accipe

Accipe gladium de altari sumptum per nostras manus, licèt indignas, vice tamen, & auctoritate sanctorum Apostolorum consecratas, tibi regaliter concessum, nostræq; Bene✠dictionis officio, in defensionem sanctæ Dei *Ecclesiæ divinitùs ordinatum; & memor esto ejus, de quo Psalmista prophetavit, dicens.* Accingere gladio tuo super femur tuum potentissime; *ut in hoc per eundum vim æquitatis exerceas, molem iniquitatis potenter destruas, & sanctam* Dei *Ecclesiam, ejúsq; fideles propugnes, ac protegas; nec minùs sub fide falsos, quam Christiani nominis hostes execres ac dispergas; viduas, & pupillos clementer adjuves, ac defendas; desolata restaures, restaurata conserves; ulciscaris injusta, confirmes bene dispósita; quatenus hæc agendo, virtutum triumpho glorioſus, justitiæq; cultor egregius, cum mundi salvatore sine fine regnare merearis. Qui cum Deo Patre, & Spiritu Sancto vivit & regnat Deus, per omnia sæcula sæculorum.* Resp. *Amen.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome*. This is almost agreeing with the praier in the old *Ordo Romanus* at the delivery of the *Sword*.

His expeditis, ensis à Ministris in vaginam reponitur, & *Metropolitanus* accingit ense *Regem* dicens.

The girding of the King with the Sword.

Accingere gladio tuo super femur tuum potentissime; & attende, quod Sancti non in gladio, sed per fidem vicerunt regna.

Et mox *Rex* accinctus surgit, & eximit *ensem* de vagina, illumq; viriliter vibrat, deinde super brachium sinistrum tergit, & in vaginam reponit; atque iterum coram *Metropolitano* genuflectit. Tunc ei Corona imponitur, quam omnes Prælati parati, qui adsunt, de altari per Metropolitanum sumptam manibus tenent, ipso *Metropolitano* illam regente, capiti illius imponente, ac dicente.

The putting on the Crown.

Accipe Coronam regni, quæ, licèt ab indignis, Episcoporum tamen, manibus, capiti tuo imponitur. In Nomine Patris, & Filii, et Spiritus Sancti, quam sanctitatis gloriam, et honorem, et opus fortitudinis, significare intelligas, et per hanc te participem Ministerii nostri non ignores. Ita, ut sicut Nos in interioribus pastores, rectoréſq; animarum intelligimur, ita et tu in exterioribus verus Dei cultor, strenúsq; contra omnes adversitates Ecclesiæ Christi defensor assistas, regniq; tibi à Deo dati, & per officium nostræ benedictionis, in vice Apostolorum, omniúmq; Sanctorum, regiminis tui commissi utilis executor, proficuúsq; regnator semper appareas, ut inter glorioſas Athletas, virtutum gemmis ornatus, & præmio sempiternæ fœlicitatis coronatus cum Redemptore, ac Salvatore nostro Jesu Christo, cujus nomen, vicémq; gestare crederis, sine fine glorieris. Qui vivit, & imperat Deus *cum Patre, & Spiritu Sancto in sæcula sæculorum.* Resp. *Amen.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome*.

Poſtea Metropolitanus dat ei adhuc genuflexo *Sceptrum*, dicens.

The *Scepter* given. The ſame praier is almoſt in the ſame ſyllables in the old *Ordo Romanus* at the delivery of the *Scepter*.

Accipe Virgam virtutis, ac veritatis, qua intelligas te obnoxium mulcere pios, terrere improbos, errantes viam docere, lapſis manum porrigere, diſperdere ſuperbos, & relevare humiles, & aperiat tibi oſtium Jeſus Chriſtus *Dominus noſter, qui de ſemetipſo ait*, Ego ſum oſtium, per me ſi quis introierit, ſalvabitur, *qui eſt clavis* David, *& Sceptrum domus* Iſrael, *qui aperit, & nemo claudit, claudit, & nemo aperit. Sitq, tibi ductor qui educit vinctum de domo carceris, ſedentem in tenebris, & umbra mortis; & in omnibus ſequi merearis eum, de quo* David *Propheta cecinit*, Sedes tua, Deus, in ſæculum ſæculi: virga directionis, virga regni tui, *& imitando ipſum, diligas juſtitiam, & odio habeas iniquitatem, qui propterea unxit te* Deus, Deus *tuus, ad exemplum illius, quem ante ſæcula unxerat oleo exultationis, præ participibus ſuis*, Jeſum Chriſtum *Dominum noſtrum, qui cum eo vivit, & regnat* Deus, *per omnia ſæcula ſæculorum*. Reſp. *Amen*.

Tunc *Regi* ſurgenti diſcingitur enſis, & in vagina datur alicui, qui eum ante *Regem* immediatè portat. Et *Metropolitanus* cum aliis Prælatis paratis deducit *Regem Sceptrum* in manu, & *Coronam* in capite ferentem, medium inter ſe à dexteris, & digniorem Prælatum paratum à ſiniſtris *Regis* incedentem ad ſolium ſupra thalamum, & adjuvante cum digniore Prælato prædicto, intronizat *Regem* in ſolio, dicens.

This is in the old *Ordo Romanus* being made for an hereditary Kingdom, is *Sta & retine amodo locum quem hucuſq; paterna ſucceſſione tenuiſti, hæreditario jure tibi delegatum per autoritatem, &c.* as it follows here. So in the old *Saxon Pontifical*. See before *pag.* 140.

Sta, & retine amodò locum tibi à Deo *delegatum, per autoritatem Omnipotentis* Dei, *& per præſentem traditionem noſtram, omnium ſcilicet Epiſcoporum, cæterorúmq; ſervorum; & quanto Clerum ſacris altaribus propinquiorem perſpicis, tanto ei potiorem in locis congruis honorem impendere memineris; quatenus mediator* Dei, *& hominum, te mediatorem Cleri, & plebis permanere faciat.*

Deinde *Metropolitanus* depoſitâ mitrâ, ſtans verſus ad altare inchoat, ſchola proſequente, Hymnum,

Te Deum *laudamus*,

Qui totus dicitur: quo incepto, *Metropolitanus* accedit ad dexteram *Regis*, ibi continuò manens, uſq; ad finem hymni; & eo finito, *Metropolitanus* ſtans, ut priùs, ad dexteram *Regis* ſine mitra, dicit ſuper illum verſus.

Firmetur manus tua, & exaltetur dextera tua.

Reſp. *Juſtitia, & Judicium præparatio ſedis tuæ.*

Verſ. *Domine exaudi orationem meam.*

Reſp.

Resp. *Et Clamor meus ad te veniat.*
Vers. *Dominus vobiscum.*
Resp. *Et cum Spiritu tuo.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

Oremus.

Deus, *qui victrices* Moysi *manus in oratione firmasti, qui quamvis ætate langueſceret, infatigabili ſanctitate pugnabat, ut dum* Amalech *iniquus vincitur, dum prophanus nationum populus ſubjugatur, exterminatis alienigenis, hæreditati tuæ poſſeſſio copioſa ſerviret; opus manuum tuarum pia noſtræ orationis exauditione confirma; habemus et Nos apud te, ſancte Pater,* Dominum *Salvatorem, qui pro Nobis manus ſuas extendit in Cruce, per quem etiam precamur, altiſſime, ut, tua potentia ſuffragante, univerſorum hoſtium frangatur impietas, populúſq; tuus, ceſſante formidine, te ſolum timere condiſcat, Per eundem Chriſtum Dominum noſtrum.* Resp. *Amen.*

Oremus.

Deus, *inenarrabilis auctor mundi, Conditor generis humani, confirmator regni, qui ex utero fidelis amici tui Patriarchæ noſtri* Abrahæ *præelegiſti Regem ſæculis profuturum, tu præſentem inſignem Regem hunc, cum exercitu ſuo per interceſſionem beatæ* Mariæ *ſemper Virginis, & omnium Sanctorum uberi benedictione locupleta; & in ſolium regni firma ſtabilitate connecte : Viſita eum ſicut viſitaſti* Moyſen *in rubo,* Joſue *in prælio,* Gedeonem *in agro,* Samuelem *in templo, & illa eum ſiderea benedictione, ac ſapientiæ tuæ rore perfunde, quam beatus* David *in Pſalterio,* Salomon *filius ejus, te remunerante, percepit de cœlo. Sis ei contra aciès inimicorum lorica, in adverſis galea, in proſperis ſapientia, in protectione clypeus ſempiternus. Et præſta, ut gentes illi teneant fidem, Proceres ſui habeant pacem, diligant caritatem, abſtineant ſe à cupiditate, loquantur juſtitiam, cuſtodiant veritatem, & ità populus iſte ſub ejus imperio pullulet, coalitus benedictione æternitatis; ut ſemper tripudiantes maneant in pace, ac victores. Quod ipſe præſtare dignetur qui tecum vivit, & regnat in unitate Spiritus Sancti Deus, per omnia ſæcula ſæculorum.* Resp. *Amen.*

Quibus finitis, *Metropolitanus* cum Pælatis paratis redit ad ſedem ſuam, vel faldiſtorium prope altare, & (niſi ſit coronanda *Regina*) dicitur *Alleluja*, ſive ultimus verſus *Tractus*, vel *Sequentiæ*, *Evangelium*, & alia uſque ad *Offertorium* incluſivè. Quo dicto, *Metropolitanus* reſidet in faldiſtorio ſuo ante medium altaris cum mitra, & *Rex* à

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

ſuis Prælatis & Baronibus aſſociatus venit ante *Metropolitanum*, coram quo genuflexus, detecto capite, offert ei aurum, quantum ſibi placet, & manum *Metropolitani* recipientis oſculatur.

The King's offering, *after his Coronation.*

Deinde ad ſolium ſuum revertitur. *Metropolitanus* lavat manus, ſurgenſque accedit ad altare, & proſequitur Miſſam uſque ad Communionem. Cum ſecreta dici dicitur pro Rege, ſub uno, *Per Dominum noſtrum.*

Sécreta.

Munera, quæſumus, Domine, *oblata ſanctifica, ut, & nobis unigeniti tui corpus & ſanguis fiant*; & Regi *noſtro ad obtinendam animæ, corporiſq; ſalutem, & ad peragendum injunctum officium, te largiente, uſquequaq; proficiant. Per eundem Dominum noſtrum* Jeſum Chriſtum *filium tuum, qui tecum vivit, et regnat in unitate Spiritus Sancti* Deus, *per omnia ſæcula ſæculorum.* Reſp. *Amen.*

Pax datur Regi per Primum ex Prælatis paratis, cum inſtrumento ad hoc ordinato. Poſtquam *Metropolitanus* ſe de corpore, & ſanguine, quem totum ſumere debet, communicaverit, *Rex*, detecto capite, de thalamo ſuo accedit ad altare, coram quo, in ſupremo gradu genuflectit, & *Metropolitanas* converſus ad *Regem*, ipſum communicat.

The Crowned King receives the Sacrament.

Rex, priuſquam Communionem ſumat, oſculatur manum dexteram *Metropolitani*, & ſumptâ Communione, ex Calice de manu Metropolitani ſe purificat, & purificatus ad thalamum ſuum revertitur. Metropolitanus vero ablutionem ſumit, & accepta mitra, lavat manus, & perficit Miſſam.

Cum Poſtcommunione dici dicitur pro Rege, ſub uno, *Per Dominum, &c.*

Poſt Communio.

Hæc, Domine, *oblatio ſalutaris famulum tuum* N. Regem *noſtrum ab omnibus tueatur adverſis, quatenus Eccleſiaſticæ pacis obtineat tranquillitatem, et poſt iſtius temporis decurſum ad æternam perveniat hæreditatem. Per Dominum noſtrum* Jeſum Chriſtum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus, *per omnia ſæcula ſæculorum.* Reſp. *Amen.*

In fine *Metropolitanus* dat benedictionem ſolemnem, ut ſupra; qua data, ſinguli ad ſua revertuntur.

De

The Coronation of an elected *King* according to the *Pontificale* of *Rome*. *The Coronation of a* Queen *together with the* King.

De Benedictione & Coronatione REGINÆ.

Si verò tunc *Regina* Benedicenda sit, & coronanda, quamprimum ipso *Rege* intronizato, & orationibus expletis, *Metropolitanus* cum Prælatis paratis ad altare reversus in faldistorio sedet.

Rex de solio suo surgens, cum comitiva sua, Coronam in capite, & Sceptrum in manu gestans ante altare ad *Metropolitanum* proficiscitur, & facta ei reverentia, stans, detecto capite, petit *Reginam* benedici, & Coronari, sub his verbis.

Reverendissime Pater postulamus, ut Consortem nostram nobis à Deo conjunctam benedicere, & corona reginali decorare dignemini, ad laudem, & gloriam Salvatoris nostri Jesu Christi.

Deinde ad solium suum revertitur.

Tunc *Regina*, quæ in aliquo loco ad partem in Ecclesia à principio steterat, à duobus *Episcopis* paratis, non his, qui Regem deduxerunt, sed primis post eos, crine soluto, & capite velato, in vestibus suis communibus ad Metropolitanum ante altare deducitur & facta Metropolitano reverentia, coram illo genuflectit, & ejus manum osculatur.

Tunc surgit *Metropolitanus* cum mitra, & in faldistorio procumbit. Regina verò ad ejus sinistram in terram se prosternit; & inchoantur, ac perficiuntur *Litaniæ*, ut supra: quibus finitis, *Metropolitanus*, deposita mitra, surgit, & stans versus ad illam ante se genuflexam, dicit sequentem orationem intelligibili voce; quam etiam, & alia sequentia astantes Prælati parati submissa voce dicunt.

OREMUS.

Omnipotens sempiterne Deus, hanc famulam tuam N. *cœlesti bene✠dictione sanctifica, quam in adjutorium regni* Reginam *eligimus, tua ubiq; sapientia doceat, & confortet, atque Ecclesia tua fidelem famulam semper agnoscat. Per eundem Dominum nostrum* Jesum Christum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus.

Deinde, extensis manibus ante pectus, dicit.

Vers. *Per omnia sæcula sæculorum.*

All from this place to *Sempiterno sine fine æternis*, is set in the *Pontificale* to be sung.

Resp. *Amen.*

Vers. *Dominus vobiscum.*

Resp. *Et cum Spiritu tuo.*

Vers. *Sursum corda.*

Resp.

The Coronation of a King out of the *Pontificale* of *Rome.*

Resp. *Habemus ad Dominum.*

Vers. *Gratias agimus Domino* Deo *nostro.*

Resp. *Dignum & justum est.*

Verè dignum & justum est, æquum, & salutare Nos tibi semper, & ubique gratias agere Domine *sancte Pater Omnipotens, æterne* Deus, *honorum cunctorum auctor, ac distributor, benedictionumque omnium largus infusor, tribue super hanc famulam tuam* Reginam *bene✠dictionis tuæ copiam; & quam humana electio sibi præesse gaudet, tua supernæ electionis, & benedictionis infusio accumulet. Concede ei,* Domine, *auctoritatem regiminis, consilii magnitudinem, sapientiæ, prudentiæ, & intellectus abundantiam, religionis, ac pietatis custodiam; quatenus mereatur benedici, & augmentari in nomine, ut* Sara; *visitari, & fœcundari, ut* Rebecca; *contra omnium muniri vitiorum monstra, ut* Judith; *in regimine regni, eligi, ut* Esther; *ut, quam humana nititur fragilitas benedicere, cœlestis potius intimi roris repleat infusio. Et quæ à nobis eligitur, & benedicitur in* Reginam, *à te mereatur obtinere præmium æternitatis perpetuæ. Et sicut ab hominibus sublimatur in nomine, ità à te sublimetur fide, & operatione. Illo etjam sapientiæ tuæ eam rore perfunde, quem beatus* David *in repromissione, & filius ejus* Salomon *percepit in locupletatione. Sis ei* Domine, *contra cunctorum ictus inimicorum lorica; in adversis galea; in prosperis sapientia; in protectione clypeus sempiternus. Sequatur pacem, diligat caritatem, abstineat se ab omni impietate; loquatur justitiam, custodiat veritatem, sit cultrix Justitiæ, & pietatis, amatrix religionis, vigeatque præsenti benedictione in hoc ævo annis plurimis, & in sempiterno sine fine æternis.*

Quod sequitur, dicit plane legendo, ita tamen, quod à circumstantibus audiatur.

Per Dominum nostrum Jesum Christum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus, *per omnia sæcula sæculorum.* Resp. *Amen.*

The anointing of a Queen.

Qua præfatione expleta, sedet *Metropolitanus*, & accepta mitra, inungit in modum Crucis cum oleo Cathecumenorum illius brachium dexterum, inter junctura manus, & junctura cubiti, atque inter scapulas, dicens.

Deus *Pater æternæ gloriæ sit tibi adjutor, & Omnipotens benedicat tibi, preces tuas exaudiat; vitam tuam longitudine dierum adimpleat; benedictionem tuam jugiter confirmet; te cum omni populo in æternum conservet; inimicos tuos confusione induat; & super te* Christi *sanctificatio, atque hujus*

olei

olei infusio floreat ; ut, qui tibi in terris tribuit benedictionem, ipse in cœlis conferat meritum Angelorum ; ac benedicat te, & custodiat in vitam æternam Jesus Christus *Dominus noster, qui vivit, & regnat* Deus, *in sæcula sæculorum.* Resp. *Amen.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

Quo facto, surgit Regina, & à suis ducitur ad Sacristiam, seu papilionem, ubi Rex regales vestes indutus est, ibi & ipsa induitur vestibus reginalibus, quibus induta reducitur ad *Metropolitanum* adhuc cum mitra in faldistorio sedentem, qui imponit illi ante se genuflexæ coronam, dicens.

The putting the Crown *on the Queen.*

Accipe Coronam gloriæ, ut scias te esse consortem regni, populoque Dei *semper prosperè consulas, & quanto plus exaltaris, tanto amplius humilitatem diligas, & custodias, in* Christo Jesu *Domino nostro.*

Et mox dat ei *Sceptrum*, dicens.

Accipe Virgam virtutis, ac veritatis, & esto pauperibus misericors, & affabilis ; viduis, pupillis, & orphanis, diligentissimam curam exhibeas ; ut Omnipotens Deus augeat tibi gratiam suam, qui vivit, et regnat in sæcula sæculorum. Resp. *Amen.*

The giving her the Scepter.

Quo facto surgit *Regina*, & *Episcopi* parati, qui ipsam ad altare deduxerunt, eam associant usque ad suum thalamum, ubi sedet in solio suo, matronis ejus ipsam comitantibus; Deinde dicitur *Alleluja*, sive ultimus versus *Tractus*, vel *Sequentiæ*, *Evangelium*, & *Offertorium.* Quo dicto *Regina* cum *Rege* à suis tantum associati, vadunt ad offerendum *Metropolitano* in faldistorio ante medium altaris sedenti, de auro, quantum volunt, & manum *Metropolitani* recipientis osculantur ; deinde revertuntur ambo ad thalamum suum, & proceditur in Missa usque ad Communionem. Data pace *Regi*, & *Reginæ* per primum ex Prælatis paratis, cum instrumento ad hoc ordinato.

Rex, & *Regina* à suis tantum associati descendunt de thalamis, & veniunt ad altare, ubi in supremo gradu genuflectunt ; & percepta communione, *Metropolitanus* ponit ambas hostias consecratas super patenam, & conversus ad *Regem*, & *Reginam*, eos communicat.

Rex, priusquam Communionem sumat, osculatur manum dexteram *Metropolitani*, tum simili modo communicat *Reginam*, quæ similitèr ejus manum osculatur, & successive ambos ex Calice suo purificat, qui purificati ad thalamos revertuntur, eo ordine, quo venerunt. *Metropolitanus* verò ablationem

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

lationem sumit; & accepta mitra lavat manus, perficitque Missam, & in fine dat benedictionem solemnem. Qua data, *Rex* & *Regina* vadunt ad palatium suum, & *Metropolitanus*, atque alii Prælati omnes deponunt vestes sacras, & ad propria quisq; revertitur.

De Benedictione & Coronatione Reginæ *solius.*

The Queens offering. The Coronation of a Queen-wife alone.

Si *Rege* jampridem coronato, *Regina* sola, ut conjux illius, coronanda sit, parantur duo thalami, & alius locus, in quo *Regina* à principio officii usque ad tempus coronationis expectat. Vocantur omnes Prælati regni, atque omnia alia fiunt, quæ supra pro coronatione regis ordinata sunt. Die autem statuto, Metropolitano, & Prælatis in Ecclesia constitutis, & se vestientibus, *Rex* vestibus regalibus indutus cum *Corona* in capite, & *Sceptro* in manu, ense præcedente, à suis associatus venit ad Ecclesiam, et ascendit thalamum suum; et Metropolitano, ac Prælatis omnibus paratis, incipitur Missa, more solito, et continuatur usque ad *Alleluja*, sive ultimum versum *Tractus*, vel *Sequentiæ* exclusive. Tum Rex *Coronam*, et *Sceptrum* ferens descendit de thalamo suo, et Metropolitano in faldistorio ante altare cum mitra sedente, stans, detecto capite, petit ab eo *Reginam* benedici, et coronari, sub his verbis.

Reverendissime Pater, postulamus ut consortem nostram nobis à Deo conjunctam benedicere, et Corona reginali decorare dignemini, ad laudem et gloriam Salvatoris nostri Jesu Christi.

Deinde ad thalamum suum revertitur; et *Regina*, quæ usque tunc in aliquo loco ad partem in Ecclesia steterat, à duobus prioribus Prælatis paratis, crine soluto, et capite velato, ducitur ad *Metropolitanum* ante altare sedentem; et facta ei reverentia, coram eo genuflectit, et ejus manum osculatur. Tunc surgit *Metropolitanus*, et cum mitra procumbit suprà faldistorium. Regina verò ad ejus sinistram se in terram prosternit, et inchoantur Litaniæ, et perficiuntur, atque omnia alia fiunt, quæ supra in coronatione Reginæ dicta sunt, usque ad Offertorium, ad quod poterit *Rex* cum *Regina* procedere, vel *Regina* sola, prout Regi placebit. Facta communione per *Metropolitanum*, communicatur *Regina*. Deindè perficitur Missa, et in fine *Metropolitanus* dat benedictionem solemnem, &c.

De Benedictione, & Coronatione Reginæ, *ut Regni Domina.*

The Coronation of an elected King according to the *Pontificale* of *Rome.* *The Coronation of an elected* Queen *as sole Sovereign Lady of a Kingdom, according to the* Roman Pontificale, *scarce differing from that of a* King, *saving where the Gender varies it.*

Si verò *Regina* coronanda est ut regni Domina, & absque *Rege*, tunc paratur thalamus unus in Ecclesia; vocantur Prælati regni, & omnia alia similitèr fiunt, quæ suprà pro coronatione Regis ordinata sunt. Die statuto, conveniunt in Ecclesia, in qua Coronatio fieri debet; ubi *Metropolitanus*, aut alius, ad quem spectat, cum Episcopis aliis parat se, & sedent ante altare, ut suprà dictum est. Interim *Regina* consuetis vestibus induta, cum suis Prælatis, Baronibus, & Matronis, atque aliis domesticis venit ad Ecclesiam; & cum fuerit prope Presbyterium, duo priores Episcopi parati veniunt ei obviam, & cum mitris capita illi aliquantulum inclinantes, ipsam inter se mediam usque ad *Metropolitanum* deducunt, Cui Regina caput inclinans, humilem reverentiam exhibet; qua facta, prior ipsorum deducentium, detecto capite, versus ad *Metropolitanum*, dicit.

Reverendissime Pater postulat sancta Mater Ecclesia Catholica, ut præsentem circumspectam mulierem ad dignitatem Reginalem sublevetis.

Tunc interrogat *Metropolitanus.*

Scitis illam esse dignam, & utilem ad hanc dignitatem?

Ille respondet.

Et novimus, & credimus eam esse dignam & utilem Ecclesiæ Dei, & ad regimen hujus regni.

Metropolitanus dicit.

Deo *gratias.*

Tunc sedet *Regina* medios inter ipsos Episcopos deducentes, congruenti spatio à Metropolitano, ita ut illi faciem vertat; ipsi etiam deducentes Episcopi, senior ad dexteram, alius ad sinistram Reginæ se collocant, ut & ipsi ad alterutrum facies vertant. Ipsis sic sedentibus, postquam aliquantulum quieverint, *Metropolitanus* coronandam *Reginam* admonet dicens.

Cum hodiè per manus nostras, circumspecta mulier, qui Christi *Salvatoris nostri vice in hac re fungimur (quamvis indigni) sacram unctionem, & regni insignia sis susceptura; benè est, ut te priùs de onere, ad quod destinaris, moneamus. Regiam hodiè suscipis dignitatem, & regendi fideles populos tibi commissos curam sumis. Præclarum sanè inter mortales locum, sed discriminis, laboris, atq; anxietatis plenum. Verùm si*

The Coronation of an elected King according to the Pontificale of Rome.

consideraveris, quod omnis potestas à Domino Deo *est, per quem Reges regnant, et legum conditores justa decernunt, tu quoque de grege tibi commisso ipsi Deo rationem es reddiţura, Primùm, pietatem servabis, Dominum Deum tuum tota mente, ac puro corde colas. Christianam religionem, ac fidem Catholicam, quam ab incunabulis professa es, ad finem usque inviolatam retinebis, eamque contra omnes adversantes pro viribus defendes. Ecclesiarum prælatis, ac reliquis Sacerdotibus condignam reverentiam exhibebis. Ecclesiasticam libertatem non conculcabis. Justitiam sine qua nulla societas diù consistere potest, erga omnes inconcussè administrabis, bonis præmia, noxiis debitas pœnas retribuendo. Viduas, pupillos, pauperes, ac debiles ab omni oppressione defendes. Omnibus te adeuntibus benignam, mansuetam, atque affabilem pro regia tua dignitate te præbebis. Et ità te geres, ut non ad tuam, sed totius populi utilitatem regnare, præmiumq; benefactorum tuorum, non in terris sed in cœlo expectare videaris. Quod ipse præstare dignetur, qui vivit & regnat* Deus *in sæcula sæculorum.* Resp. *Amen.*

Regina electa accedit ad *Metropolitanum*, & genuflexa facit hanc professionem, dicens.

The profession and oath of an elected Queen.

Ego N. *Deo annuente, futura Regina* N. *profiteor, & promitto coram Deo, & Angelis ejus deinceps legem, justitiam, & pacem Ecclesiæ Dei, populóque mihi subjecto, propósse & nósse, facere ac servare, salvo condigno misericordiæ Dei respectu, sicut in consilio fidelium meorum melius potero invenire. Pontificibus quoque Ecclesiarum Dei condignum, & Canonicum honorem exhibere; atque ea, quæ ab Imperatoribus & Regibus Ecclesiis collata, et reddita sunt, inviolabilitèr observare. Abbatibus, Comitibus, et Vasallis meis congruum honorem, secundum consilium fidelium meorum, præstare.*

Deinde ambabus manibus tangit librum Evangeliorum, quem *Metropolitanus* coram ea super genibus apertum tenet, inferiori parte libri Reginæ versa, dicens.

Sic me Deus adjuvet, et hæc sancta Dei Evangelia.

Et post *Regina* electa *Metropolitani* manum reverentèr osculatur. Quo facto, *Metropolitanus* surgit, & cum mitra procumbit in faldistorio. Regina verò ad ejus sinistram in terram se prosternit.

Et Cantores incipiunt, schola prosequente, *Litanias*; in quibus cum dictum fuerit.

Ut omnibus fidelibus, &c.

Resp. *Te rogamus, audi Nos.*

Metropolitanus surgit, & accepto baculo Pastorali in sinistra, super illam dicit. *Ut*

Ut hanc electam in Reginam *Coronandam bene✠dicere digneris.*

Resp. *Te rogamus, audi Nos.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

Secundo dicit.

Ut hanc electam in Reginam *Coronandam bene✠dicere & conse✠crare digneris.*

Resp. *Te rogamus, audi Nos.*

Producendo semper super Reginam signum Crucis. Idem dicunt, & faciunt *Episcopi* parati, genuflexi tamen permanentes. Quo dicto, *Metropolitanus* redit ad accubitum, Cantoribus Litanias resumentibus, & perficientibus. Quibus finitis, *Metropolitanus* deposita mitra, surgit, *Regina* prostrata manente, & dicit super eam intelligibili voce orationem sequentem, quam astantes *Episcopi*, etiam sine mitris in locis suis stantes, submissa voce pronuntiant.

OREMUS.

Omnipotens sempiterne Deus, hanc famulam tuam cœlesti bene✠dictione sanctifica, quam in gubernationem regni Reginam *eligimus, tua ubique sapientia doceat, & confortet, atque Ecclesia tua fidelem famulam semper agnoscat. Per eundem Dominum nostrum* Jesum Christum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus.

Tunc surgit Regina, & coram Pontifice genuflectit. Deinde Pontifex mediocri voce, extensis manibus ante pectus, dicit.

Vers. *Per omnia sæcula sæculorum.*

Resp. *Amen.*

Vers. *Dominus vobiscum.*

Resp. *Et cum Spiritu tuo.*

Vers. *Sursum corda.*

Resp. *Habemus ad Dominum.*

Vers. *Gratias agamus Domino* Deo *nostro.*

Resp. *Dignum & justum est.*

All this in the *Pontificale* to *In sempiterno sine fine æternis* is set to be sung.

Verè dignum & justum est, æquum, & salutare Nos tibi semper, & ubique gratias agere Domine *sancte Pater Omnipotens, æterne* Deus, *honorum cunctorum auctor, ac distributor, benedictionumque omnium largus infusor, tribue super hanc famulam tuam* Reginam *bene✠dictionis tuæ copiam; & quam humana electio sibi præesse gaudet, tua supernæ electionis, & benedictionis infusio accumulet. Concede ei,* Domine, *auctoritatem regiminis, consilii magnitudinem, sapientiæ, prudentiæ,*

The Coronation of an elected King according to the *Pontificale* of *Rome*.

et intellectus abundantiam, religionis, ac pietatis custodiam; quatenus mereatur benedici, et augmentari in nomine, ut Sara, *visitari, et fœcundari, ut* Rebecca; *contra omnium muniri vitiorum monstra, ut* Judith; *in regimine regni eligi, ut* Esther; *ut, quam humana nititur fragilitas benedicere, cœlestis potius intimi roris repleat infusio. Et quæ à nobis eligitur, et benedicitur in* Reginam, *à te mereatur obtinere præmium æternitatis perpetuæ. Et sicut ab hominibus sublimatur in nomine, ità à te sublimetur fide, et operatione. Illo etiam sapientiæ tuæ eâm rore perfunde, quam beatus* David *in repromissione, et filius ejus* Salomon *percepit in locupletatione. Sis ei* Domine, *contra cunctorum ictus inimicorum lorica; in adversis galea; in prosperis sapientia; in protectione clypeus sempiternus. Sequatur pacem, diligat caritatem, abstineat se ab omni impietate; loquatur justitiam, custodiat veritatem, sit cultrix Justitiæ, & pietatis, amatrix religionis, vigeatque præsenti benedictione in hoc ævo annis plurimis, & in sempiterno sine fine æternis.*

Deinde dicit plane legendo, ita tamen, quod à circumstantibus audiatur.

Per Dominum nostrum Jesum Christum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus, *per omnia sæcula sæculorum.* Resp. *Amen.*

The Anointing *of a Sovereign Queen.*

Quibus dictis, sedet *Metropolitanus*, & accepta mitra, intingit pollicem dexteræ manus in oleum Cathecumenorum; & inungit in modum Crucis, brachium dexterum Reginæ inter junctura cubiti, atque inter scapulas, dicens.

Deus *Pater æternæ gloriæ sit tibi adjutor, & Omnipotens benedicat tibi, preces tuas exaudiat; vitam tuam longitudine dierum adimpleat; benedictionem tuam jugiter confirmet; te cum omni populo in æternum conservet; inimicos tuos confusione induat; & super te* Christi *sanctificatio, atque hujus olei infusio floreat; ut, qui tibi in terris tribuit benedictionem, ipse in cœlis conferat meritum Angelorum; ac benedicat te, & custodiat in vitam æternam* Jesus Christus *Dominus noster, qui vivit, & regnat* Deus, *in sæcula sæculorum.* Resp. *Amen.*

Quo facto, surgit *Regina*, & ad partem se retrahit, ubi Prælati sui Domestici ei assistunt. *Metropolitanus* verò lavat, & abstergit manus, deinde accedit ante altare, & deposita mitra, cum suis ministris facit confessionem. Idem faciunt *Episcopi* parati juxta sedes suas sine mitris stantes. Facta confessione *Metropolitanus* ascendit ad altare, osculatur,

oſculatur, incenſat, & procedit in Miſſa uſq; ad *Alleluja* excluſivè, ſive ultimum verſum *Tractus*, vel *Sequentiæ*, ſi dicitur, more conſueto. *Regina* verò ducitur à ſuis ad ſacriſtiam, vel papilionem, ubi accipit veſtes reginales. Deinde redit cum illis ad thalamum, ubi manet uſq; ad dictum Graduale: non tamen ſedet in ſolio, ſed ſuper aliquod ſcabellum ſibi paratum genuflexa procumbit audiens Miſſam. Miſſa dicitur de die, & cum oratione diei, dicitur pro ipſa electa *Regina* ſub uno, *Per Dominum.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

Oremus.

Quæſumus, Omnipotens Deus, *ut famula tua* N. Regina *noſtra, quæ tua miſeratione ſuſcepit regni gubernacula, virtutum etiam omnium percipiat incrementa, quibus decenter ornata, & vitiorum monſtra devitare, & ad te, qui via, veritas & vita es, gratioſa valeat pervenire. Per Dominum noſtrum* Jeſum Chriſtum *Filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti Deus, per omnia ſæcula ſæculorum.* Reſp. *Amen.*

Graduali cantato, *Metropolitanus* ſedet ante altare in faldiſtorio cum mitra, & *Regina* à ſuis aſſociata, media inter priores duos Prælatos paratos ad *Metropolitanum* reducitur, cui facta reverentia, ut priùs genuflectit coram eo. Tunc imponitur ei Corona, quam omnes Epiſcopi parati qui adſunt, de altari per *Metropolitanum* ſumptam manibus tenent, ipſo *Metropolitano* illam regente, & capiti illius imponente, ac dicente.

The putting the Crown on a Sovereign Queen.

Accipe Coronam regni, quæ, licèt ab indignis, Epiſcoporum tamen, manibus, capiti tuo imponitur. In Nomine Patris, & Filii, et Spiritus Sancti, quam ſanctitatis gloriam, et honorem, et opus fortitudinis, ſignificare intelligas, et per hanc te participem Miniſterii noſtri non ignores. Ita, ut ſicut Nos in interioribus Paſtores, rectoréſque animarum intelligimur, ita et tu in exterioribus vera Dei cultrix, ſtrenuaq; contra omnes adverſitates Eccleſiæ Chriſti defenſatrix aſſiſtas, regníq; tibi à Deo dati, et per officium noſtræ benedictionis in vice Apoſtolorum, omniúmq; Sanctorum, regimini tuo commiſſi utilis executrix, proficuáq; regnatrix ſemper appareas; ut inter glorioſos Athletas, virtutum gemmis ornata, et præmio ſempiternæ fœlicitatis coronata cum Redemptore, *ac Salvatore noſtro* Jeſu Chriſto, *cujus nomen vicémq; geſtare crederis, ſine fine glorieris. Qui vivit et imperat* Deus *cum Patre, et Spiritu ſancto in ſæcula ſæculorum,* Reſp. *Amen.*

Et

The Coronation of an elected *King* according to the *Pontificale* of *Rome*. The giving her the *Scepter*

Et mox dat ei *Sceptrum* in manum, dicens.

Accipe Virgam virtutis, ac veritatis, & esto pauperibus misericors, & affabilis; Viduis, pupillis, & orphanis, diligentissimam curam exhibeas; ut Omnipotens Deus augeat tibi gratiam suam, qui vivit & regnat in sæcula sæculorum.

Resp. *Amen.*

Tum surgunt omnes, & *Metropolitanus* cum omnibus Episcopis paratis deducit *Reginam*, *Coronam* in capite, & *Sceptrum* in manu ferentem, mediam inter se, & digniorem Episcopum paratum suprà solium, ubi stans cum mitra, una cum eodem digniore Episcopo intronizat eam in solio, dicens.

Sta, & retine amodò locum tibi à Deo *delegatum, per auctoritatem Omnipotentis* Dei, *& per præsentem traditionem nostram, omnium scilicet Episcoporum, cæterorúmq;* Dei *servorum; & quanto Clerum sacris altaribus propinquiorem perspicis, tanto ei potiorem in locis congruis honorem impendere memineris; quatenus mediator* Dei, *& hominum, te mediatricem Cleri, & plebis permanere faciat.*

Deinde *Metropolitanus*, depositâ mitrâ, inchoat, schola sequente, Hymnum,

Te Deum *laudamus*,

Qui totus dicitur; quo incepto, *Metropolitanus* accedit ad dexteram *Reginæ*, ibi continuò manens, usq; ad finem hymni. Finito hymno, *Metropolitanus*, stans, ut priùs, juxta *Reginam* sine mitra, dicit super illam.

Vers. *Firmetur manus tua, & exaltetur dextera tua.*

Resp. *Justitia, & Judicium præparatio sedis tuæ.*

Vers. *Domine exaudi orationem meam.*

Resp. *Et clamor meus ad te veniat.*

Vers. *Dominus vobiscum.*

Resp. *Et cum Spiritu tuo.*

Oremus.

Deus, *qui victrices* Moysi *manus in oratione firmasti, qui quamvis ætate langueseeret, infatigabili sanctitate pugnabat, ut dum* Amalech *iniquus vincitur, dum prophanus nationum populus subjugatur, exterminatis alienigenis, hæreditati tuæ possessio copiosa serviret; opus manuum tuarum pia nostræ orationis exauditione confirma; habemus & Nos apud te, sancte Pater,* Dominum *Salvatorem, qui pro Nobis manus suas extendit in Cruce, per quem etiam precamur, altissime, ut, tua potentia suffragante, universorum hostium frangatur impietas, populúsque*

lúsque tuus, cessante formidine, te solum timere condiscat. Per eundum Christum Dominum nostrum. Resp. *Amen.*

The Coronation of an elected *King* according to the *Pontificale* of *Rome*.

Quibus finitis, *Metropolitanus* cum Episcopis paratis revertitur ad sedem suam, vel ad faldistorium prope altare; & dicitur *Alleluja*, sive ultimus versus *Tractus*, vel *Sequentiæ*, *Evangelium*, & alia usq; ad *Offertorium* inclusive. Quo dicto, *Metropolitanus* sedet in faldistorio ante medium altaris cum mitra, & *Regina* à suis Prælatis, Magnatibus, & aliis associata venit ante *Metropolitanum*, coram quo genuflexa, offert ei aurum, quantum sibi placet, & manum *Metropolitani* recipientis osculatur.

Her offering.

Deinde ad solium suum revertitur. *Metropolitanus* lavat manus, surgit, & accedit ad altare, & prosequitur Missam usq; ad Communionem.

Cum secreta diei dicitur pro *Regina*, sub uno, *Per Dominum.*

Secreta.

Munera, quæsumus, Domine, *oblata sanctifica; ut & Nobis unigeniti tui Corpus, & Sanguis fiant, &* Reginæ *nostræ ad obtinendam animæ, corporisq; salutem, & ad peragendum injunctum officium, te largiente, usquequaq; proficiant. Per eundem Dominum nostrum* Jesum Christum *Filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti Deus, per omnia sæcula sæculorum.* Resp. *Amen.*

Pax datur Reginæ per primum ex Prælatis paratis cum instrumento ad hoc ordinato.

Postquam *Metropolitanus* se communicaverit de corpore, & sanguine; *Regina* sine *Corona*, & sine *Sceptro*, de thalamo suo à suis dumtaxat associata, accedit ad altare; genuflectit in supremo gradu altaris, & *Metropolitanus* conversus ad Reginam, eam communicat. Regina, antequam sumat Sacramentum, osculatur manum dexteram Metropolitani, & sumpta Communione, ex Calice de manu Metropolitani se purificat, & purificata ad thalamum suum revertitur cum suis, ut venit. *Metropolitanus* verò ablutionem sumit, & accepta mitra, lavat manus, & perficit Missam.

Her taking the Sacrament.

Cum Postcommunione diei, dicitur pro Regina sub uno, *Per Dominum.*

Postcommunio.

Hæc, Domine, *oblatio salutaris famulam tuam* N. Reginam *nostram ab omnibus tueatur adversis, quatenùs Ecclesiasticæ*

The Coronation of an elected *King* according to the *Pontificale* of *Rome.*

ſticæ pacis obtineat tranquillitatem, & poſt iſtius temporis decurſum ad æternam perveniat hæreditatem. Per Dominum noſtrum Jeſum Chriſtum *filium tuum, qui tecum vivit, & regnat in unitate Spiritus Sancti* Deus, *per omnia ſæcula ſæculorum.* Reſp. *Amen.*

In fine *Metropolitanus* dat benedictionem ſolemnem; qua data, omnes vadunt in pace.

De Benedictione, & Coronatione Regis *in Conſortem electi.*

The Coronation of a King *that marries a* Queen Sovereign *already crowned.*

Cum autem *Regina* jampridem, ut Regni Domina, benedicta, & coronata, deinde Conſortem ſibi elegerit, quem poſteà ſtatuerit coronari, ad diem ordinatam vocantur omnes Prælati regni; parantur duo thalami, atq; omnia alia ordinantur, prout ſupra in Coronatione *Regis* poſita ſunt. Die autem ſtatuto, *Metropolitano*, et Prælatis in Eccleſia conſtitutis, et ſe veſtientibus, *Regina* reginalibus veſtibus induta cum Corona in capite, et Sceptro in manu, à ſuis aſſociata venit ad Eccleſiam, et aſcendit thalamum ſuum. Illis autem paratis, & ſuo ordine ſedentibus, ut ſuprà in coronatione *Regis* ordinatum eſt, *Regina* de thalamo ſuo deſcendens cum Corona in capite, & Sceptro in manu venit coram *Metropolitano*, à quo, facta ei reverentia, petit Regem Conſortem ſuum benedici, & coronari, ſub his verbis.

Reverendiſſime Pater, poſtulamus ut conſortem noſtrum à Deo nobis conjunctum benedicere, & corona regali decorare dignemini, ad laudem & gloriam Salvatoris noſtri Jeſu Chriſti.

Deinde ad thalamum ſuum revertitur. Interim Rex veſtibus militaribus indutus venit ad Eccleſiam à ſuis Prælatis domeſticis non paratis, & Comitibus, Magnatibus regni, & aliis aſſociatus. Qui cum venerit propè Presbyterium, duo priores Epiſcopi ex paratis, ei obviam veniunt, & cum mitris capita illi aliquantulum inclinantes, ipſum, birreto depoſito, uſq; ante *Metropolitanum* deducunt; coram quo *Rex* caput inclinans, humilem ei reverentiam exhibet. Qua facta, prior Epiſcoporum deducentium ſtans, detecto capite, verſus ad *Metropolitanum*, voce intelligibili dicit.

Reverendiſſime Pater, poſtulat ſancta Mater Eccleſia Catholica, ut præſentem egregium Militem ad dignitatem Regiam ſublevetis.

And

And then follows only this direction; that the rest of the Ceremony is no otherwise than what is before delivered for the Coronation of a King. But we see no *Ring* here, nor other *Rod* than the *Scepter* (both which are commonly in the Ms. Rituals of the *English* and *French* fashion) nor the *Globe* and *Cross* which is in the Coronation of the Emperor and of some other Kings. Neither, though the Empire be elective, is the solemnity there in the Coronation of the *Emperor* (as King of *Germany*) after the order of this Pontificale, as we see more especially in the Coronations (perform'd in *Germany*) of *Charles* V. of the *Maximilians*, and of *Matthias*. No more are the Rites of the other Coronations of the Emperors. The Ceremonies are very different in the Relations of the Coronation of *Frederique* III. at [a] *Rome*, and of *Charles* V. at [b] *Bologna*, which supplied both that at *Rome* and at *Monza*.

The Coronation of the French *King*.

a *Marcell. Corcyr. sacr. Cerem. lib.* 1. *c.* 13.

b *Goldast. Politic. imperial. part.* 4. *pag.* 327

But there is a Ritual or *Ordo ad Consecrandum & Coronandum Regem Franciæ*, published in *Laurentius* [c] *Bochellus*, a *French* Lawyer, which, if I had not the use of a more authentique copy, I would insert here as transcribed from him; both because his Volume is not so obvious, as also in regard that this place is proper for all store of such Ceremonials as appear to me warrantable enough for the Rites of Coronation. But in that most rich Library of the most noble Sir *Robert Cotton*, I find a copy of this Ritual of *France*, titled *Ordo ad inungendum & coronandum Regem* (comprehending also the Rites of crowning the Queen) very fairly written, authorised and corrected in the year MCCCLXV. or in the first year of *Charles* V. King of *France*, and that by his special warrant, and subscribed by himself, thus,

c *Decret. Eccles. Gallic. lib.* 5. *tit.* 2.

Ce livre du sacre des Roys de France est a nous Charles *le* V. *de nostre nom Roy de France; & le fimes corriger, ordeiner, escrier & istorier l'an* MCCCLXV.

Charles.

This I thought rather to deserve place here, than that in *Bochellus*, because the authority of it is so singular. And how it differs (for much it differs not from that of *Bochellus*) shall be diligently noted in the margin. But however it came to pass, the next Prayer that precedes the Unction in it, was not only without question taken out of some *Saxon* Ceremonial, and is almost the same that is before shew'd out of the *Saxon Pontificale*, but also it retains still here the very syllables that denote the *English Saxon* Kings by the names of their own Territories; as of *Mercia*, of *Northumberland*, of the *Saxons*. The Negligence or Forgetfulness that left those names in it, were almost incredible, if we saw it not.

Ordo ad Inungendum, & Coronandum Regem.

The Ceremonial for Coronation of the French King. *This was most ordinarily at* Rheims, *but at the Kings pleasure, also in any other Church.*

Primò paratur solium in modum Eschafaudi aliquantulum eminens contiguum exteriùs choro Ecclesiæ inter utrumq; chorum positum in medio, in quo per gradus ascenditur. Et in quo possint *Pares* regni, & aliqui, si necesse fuerit, cum

The Coronation of the French King.

cum eo consistere. *Rex* autem die quo ad coronandum venerit, debet processionaliter recipi, tam à Canonicis quàm à cæteris Ecclesiis conventualibus. Sabbato præcedente diem dominicam in qua *Rex* est consecrandus, et coronandus, Post Completorium expletum, committitur Ecclesiæ custodia custodibus à *Rege* deputatis, cum propriis Custodibus Ecclesiæ. Et debet *Rex* intempestæ noctis silentio venire in Ecclesiam Orationem facturus, & * ibidem in Oratione aliquantulum, si voluerit, vigilaturus. Cum pulsatur autem ad *matutinas* debent esse parati Custodes *Regis* introitum Ecclesiæ observantes, qui aliis hostiis Ecclesiæ firmiùs obseratis & munitis, Canonicos & Clericos Ecclesiæ debent honorificè intromittere ac diligenter quotiensçunque opus fuerit eis. *Matutinæ* more solito decantentur. Quibus expletis pulsatur ad *Primam*, Quæ cantari debet in aurora diei, Post *primam* cantatam debet *Rex* cum *Archiepiscopis*, & *Episcopis*, & *Baronibus* & aliis quos intromittere voluerit in Ecclesiam venire antequam fiat aqua benedicta, & debent esse sedes dispositæ circa altare, hinc & inde, ubi *Archiepiscopi* & *Episcopi* honorificè sedeant. Episcopis *paribus, videlicet, primò *Landunensi*, postea *Beluacensi*, deinde *Lingonensi*, postea *Cathalanensi*, ultimum, *Noviomensi* cum aliis Episcopis [a] Archiepiscopatus *Remensis* sedentibus seorsum inter altare & *Regem* ab oppositis altaris non longè à Rege, nec multis indecenter interpositis. Et debent Canonici Ecclesiæ *Remensis* processionaliter cum duabus crucibus cereis, & thuribulo cum incenso ire ad Palatium Archiepiscopale. Et Episcopi *Landunensis* & *Beluacensis*, qui sunt primi Pares de Episcopis, debent esse in prædicta processione habentes sanctorum reliquias colle pendentes. Et in Camera magna debent reperire Principem in *Regem* consecrandum sedentem, & quasi jacentem supra thalamum decenter ornatum. Et cum ad dicti Principis præsentiam applicaverint, Dicat *Landunensis* Episcopus hanc orationem.

*Ibidem *is not in Bochellus.*

* *Spiritual Peers, The Bishops of* Beauvais, Laon, Langres, Chaalons sur Marne, Noyon.

[a] *That is, Bochell.*

Omnipotens sempiterne Deus: qui famulum tuum N. *fastigio dignatus es sublimare, tribue quæsumus ei, ut ita in hujus sæculi cursu multorum in commune salutem disponat, quatenus à veritatis tuæ tramite non recedat.* [b] *Per Dominum.*

[b] *That is,* Per Dominum N. Jesum Christum *Filium tuum qui tecum vivit & regnat in unitate S. S.* Deus *per omnia sæcula sæculorum.* For those words are ordinarily denoted by *Per Dominum* only.

Qua oratione dicta, statim suscipiant eum duo prædicti Episcopi dextera lævaque honorificè; & ipsum revererenter ducant ad Ecclesiam canentes hoc [c] *Resp.* cum Canonicis prædictis.

[c] *Responsorium*

Ecce

Ecce mitto Angelum meum qui præcedat te & custodiat semper. Observa & audi vocem meam, & inimicus ero inimicis tuis, & affligentes te affligam, & præcedet te Angelus meus. *The Coronation of the French King.*

Finito *Resp.* cantetur [d] *Vers.*

Israel *si me audieris, non erit in te Deus recens, neq; adorabis Deum alienum, ego enim Dominus. Observa* *

Cunctoque eum populo sequente ad hostium Ecclesiæ Clerus subsistat. Et alter Episcopus scilicet *Belnacensis*, si præsens fuerit, dicat hanc orationem quæ sequitur.

Deus *qui scis humanum genus nulla virtute posse subsistere, concede propitius ut famulus tuus* N. *quem Populo tuo voluisti præferri, ità tuo fulciatur adjutorio* [e] *quatenus quibus potuit præesse valeat, & prodesse. Per Dominum.*

Introeuntes autem Ecclesiam præcedentes Canonici dicant usq; ad introitum chori hanc Antiphonam.

Domine in virtute tua lætabitur Rex.

Finita Antiphona *Metropolitanus* cui in Ecclesia expectanti ante Altare per prædictos Episcopos, Rex consecrandus præsentabitur, [f] dicat hanc orationem sequentem. [g]

[h] *Omnipotens Deus, cœlestium Moderator, qui famulum tuum* N. *ad regni fastigium dignatus es provehere, concede quæsumus; ut à cunctis adversitatibus liberatus, & Ecclesiasticæ pacis dono muniatur, & ad æternæ pacis gaudia, te donante, pervenire mereatur. Per Dominum.*

Qua oratione dicta ducant prædicti Episcopi Regem consecrandum ad sedendum in Cathedra sibi præparata in conspectu Cathedræ *Archiepiscopi*, & ibi sedebit donec *Archiepiscopus* veniat cum *sancta ampulla*, cui venienti assurget Rex reverenter.

Quando sacra [i] ampulla *debeat venire.*

Inter primam et tertiam debent venire Monachi beati *Remigii* processionaliter cum crucibus et cereis cum *sacrosancta ampulla* quam debet Abbas reverentissimè deferre sub cortina serica, quatuor particis à quatuor Monachis albis indutis sublevata. *Rex* autem debet mittere de Baronibus qui eam securè conducant, & cum venerit ad Ecclesiam beati *Dionysii* vel usque ad majorem januam Ecclesiæ propter turbam comprimentem, debet *Archiepiscopus* super pilitio stola & capa sollempni indutus cum mitra & baculo,

d *Versus.*

* Et audi vocem meam & inimicus ero inimicis &c.

e *quanto quibus* Bochellus.

f *Reverenter dicat.* Bochell.

g *Metropolitanus super Regem Orat ante Altare.* Bochellus.

h In the margin of this place of that *Ritual* subscribed by King *Charles*, is added this praier. *Deus humilium visitator qui nos S. S. illustratione consolaris prætende super hunc famulum tuum* N. *Gratiam tuam ut per eum, tuum Nobis adesse sentiamus adventum.*

i *Sancta*, Bochellus.

The Coronation of the French *King.*

pastorali sua cruce præcedente, cum cæteris Archiepiscopis, & Episcopis, Baronibus necnon, et Canonicis, si fieri potest, occurrere *sanctæ ampullæ*, et eam de manu Abbatis recipere, cum pollicitatione de reddendo bona fide, [k] et sic ad altare cum magna populi reverentia deferre, Abbate et aliquibus de Monachis pariter [l] cum comitantibus. Cæteri verò Monachi debeant expectare in Ecclesia beati *Dionysii* vel in Capella beati *Nicholai*, donec omnia peracta fuerint, et quousq; sacra ampulla fuerit reportata.

k In *Bochellus* these words are there inserted in a different character (*Abbas S. Dionysii stat ad dexteram Altaris servans Ampullam.*)

l So in the Ms. perhaps it should be *concomitantibus* or *cum comitantibus*. But in *Bochellus* that place is *Deferre Abbati & aliquibus de Monachis pariter committendo.*

Quid susceptâ ampullâ agendum sit.

[m] *Archiepiscopus* ad Missam se præparat cum Diaconibus, et Subdiaconibus vestimentis insignioribus, et pallio [n] induendus, et in hunc modum indutus venit [o] processionaliter ad altare more solito, Cui venienti, Rex debet assurgere reverenter. Cum autem venerit *Archiepiscopus* ad altare, debet pro omnibus Ecclesiis sibi subditis à Rege hæc petere.

m *In* Bochellus, *after that* Quid susceptâ ampulla agendum sit, *follows*, In susceptione ampullæ sacræ ad portam Ecclesiæ Majoris cantatur Antiphona. *O pretiosum Munus, O pretiosa gemma quæ pro unctione Francorum Regum ministerio Angelico cælitus est emissa.* Versus. *Inveni David servum meum.* Resp. *Oleo sancto meo unxi eum.* Oremus. *Omnipotens sempiterne Deus qui pietatis tuæ dono Genus Regum Francorum oleo perungi decrevisti,*

Ammonitio ad *Regem* dicendo ità.

A vobis perdonari petimus ut unicuiq; de Nobis, & Ecclesiis Nobis commissis, Canonicum privilegium, ac debitam legem atq; Justitiam conservetis, & defensionem exhibeatis, sicut Rex *in regno suo debet unicuiq; Episcopo, & Ecclesiæ sibi commissæ.*

Responsio *Regis* ad *Episcopos.*

Promitto vobis & perdono, [p] *quia unicuiq; de vobis, & Ecclesiis vobis commissis, Canonicum privilegium, & debitam legem atq; justitiam* [q] *conservabo, & defensionem quantum potuero exhibebo Domino adjuvante sicut* Rex *in suo regno unicuiq; Episcopo, & Ecclesiæ sibi commissæ per rectum exhibere debet.*

præsta quæsumus, ut famulus tuus Rex noster peruncti hac sacra & præsenti unctione sancto. Pontifice (so is it printed) *Remigio emissa divinitùs & in tuo servitio semper dirigatur, & ab omni infirmitate misericorditer liberetur, Per Dominum Nostrum.* Dum cantatur tertia, facta aqua benedicta, *Archiepiscopus* ad Missam se præparat cum Diacono & Subdiacono in Sacristia. *This being as a Title, next follows,* Archiepiscopus dum cantatur tertia facta aqua benedicta ad Missam, &c. *as in this Copy.* n *& rationali ind.* Bochellus. o *E duobus suis suffraganis associatus proceff.* Bochellus. p *quod.* Bochellus. q *servabo.* Bochellus.

Item hæc dicit *Rex*, & promittit & firmat *Juramento.*

The oath of the French *King. See Bodin. de Repub. l.* 1. *c.* 8.

Hæc Populo Christiano & mihi subdito, in Christi nomine, promitto,

promitto, In primis *ut Ecclesiæ Dei omnis populus Christianus veram pacem nostro arbitrio in omni tempore servet* [r *et superioritatem, jura, et nobilitates Coronæ* Franciæ *inviolabiliter custodiam, et illa nec transportabo nec alienabo.*] Item, *ut omnes rapacitates et omnes iniquitates omnibus gradibus interdicam.* Item, *ut in omnibus Judiciis æquitatem et misericordiam præcipiam ut mihi et vobis indulgeat per suam misericordiam clemens, et misericors* Dominus. Item, *de terra mea ac Jurisdictione mihi subdita universos hæreticos ab Ecclesia denotatos pro viribus bona fide exterminare studebo. Hæc omnia prædicta firmo juramento.*

The Coronation of the French *King.*

r The words between these [ ] are not in *Bochellus.*

Tunc manum apponat libro, & librum osculetur. His factis [f] processionibus, statim incipiatur. *Te Deum Laudamus.*

f *Promissionibus.* Bochellus.

Sed secundum usum *Romanum*, & aliquorum regnorum non dicitur, *Te Deum*, usque post intronizationem quæ est post [t] orationem. *Sta, & retine*, & videtur melius ibi dici quam hic. Et duo prædicti *Episcopi* ducunt *Regem* per manus ante altare, qui prosternit se ante altare usque in finem, *Te Deum.*

t See before *pag.*

[u] Postmodum surgit jam anteà præparatis, et positis super altare, *Corona* Regia, *Gladio* in vagina incluso, *Calcaribus* aureis, *Sceptro* deaurato, et *Virga* ad mensuram unius cubiti vel amplius habente desuper *manum eburneam.* Item *Caligis* sericis et [x] jacinctinis per totum intextis *Liliis* aureis, & tunica ejusdem coloris et operis in modum tunicalis quo induuntur Subdiaconi ad Missam, necnon, et [y] socco prorsus ejusdem coloris et operis, qui est factus ferè in modum cappæ sericæ absque caperone quæ omnia Abbas beati *Dionysii* in *Francia* de Monasterio suo debet *Remis* afferre, et stans ad altare custodire. Tunc primo *Rex* stans ante altare deponit vestes suas præter tunicam sericam et camisiam apertas profundius ante et retro in pectore videlicet et inter scapulas [z] aperturis, tunicæ sibi invicem connexis ansulis argenteis, Et tunc in primis dicatur ab *Archiepiscopo* oratio sequens.

u Here this Title is inserted in *Bochellus. Præparatio insignium & ornamentorum Regalium.*

x *Jacinthinis.* Bochellus.

y *facco.* Bochellus.

z *apturis.* Bochellus.

Deus inenarrabilis Auctor mundi, Conditor generis humani, Gubernator Imperii, Confirmator regni, qui ex utero fidelis amici tui Patriarchæ nostri Abrahæ *prælegisti Regem sæculis profuturum. Tu præsentem Regem hunc* N. *cum exercitu suo per intercessionem omnium Sanctorum, uberi benedic✠tione locupleta, et in solium regni firma stabilitate* [a] *connecta. Visita eum sicut* Moysem *in rubro*, Jesum Nave *in prælio*, Gedeon *in agro*, Samuelem *in templo. Et illa cum benedictione siderea ac sapientiæ tuæ rore perfunde, quam beatus* David *in Psalterio*

a *connecte.* Bochellus.

The Coronation of the French *King.*

rio, Salomon *filius ejus, te remunerante, percepit è cœlo.*

Sis ei contra acies inimicorum lorica, in adversis galea, in prosperis patientia, in protectione clypeus sempiternus. Et præsta ut gentes illi teneant fidem, proceres sui habeant pacem, diligant caritatem, abstineant se à cupiditate, loquantur justitiam, custodiant veritatem. Et ità populus iste pullulet coalitus benedictione æternitatis, ut semper maneant tripudiantes in pace victores. Quod ipse præstare [c] *&c.*

[c] *præstare dignetur, qui tecum & cum Spiritu Sancto sine fine permanet in sæcula sæculorum. Amen.* Bochell.

Qua oratione dicta statim ibi à magno Camerario *Franciæ*, Regi dictæ caligæ calciantur. Et postmodum à Duce *Burgundiæ* Calcaria ejus pedibus astringuntur & statim tolluntur.

Benedictio super Gladium.

Exaudi Domine quæsumus preces nostras & hunc Gladium quo famulus tuus N. *se accingi desiderat, Majestatis tuæ dextera* [d] *benedicere* ✠ *dignare, quatenus defensio atque protectio possit esse Ecclesiarum, viduarum, orphanorum, omniumque Deo servientium contra sævitiam Paganorum, aliisque insidiantibus sit pavor, terror, &* [f] *formido.*

[d] *Benedicere.* Bochellus.

[f] *Per Christum.* Bochellus.

The Sword *given to the* French *King.*

Postmodum *Rex*, à solo *Archiepiscopo*, *Gladio* accingitur, quo accincto, statim idem *Gladius* discingitur & è vagina ab Archiepiscopo extrahitur, vaginâ super altare repositâ, & datur ei ab *Archiepiscopo* in manibus cum ista oratione [g] dicendo quem *Rex* in manu sua teneat cuspide elevato donec [h] A. *Confortare* &c. fuerit cantata & oratio sequens dicta per *Archiepiscopum.*

[g] So in *Bochellus.*

[h] *Antiphona.* Bochellus.

Accipe [i] *hunc Gladium cum Dei* [k] *benedictione tibi collatum in quo per virtutem Sancti Spiritus resistere & ejicere omnes inimicos tuos valeas, & cunctos sanctæ Dei Ecclesiæ adversarios, regnúmque tibi commissum tutari atque protegere castra Dei per auxilium invictissimi Triumphatoris Domini nostri Jhesu Christi.*

[i] *As a Title to this, in* Bochellus, *we read* Traditio *Gladii* quem Rex tenet erectum & nudum usq; ad finem Orationis sequentis Antiphonam.

[k] *Benedictione.* Bochell.

Accipe inquam hunc Gladium per manus nostras vice, & authoritate sanctorum Apostolorum consecratas tibi regalitèr impositum nostræque benedictionis officio in defensione sanctæ Dei Ecclesiæ ordinatum divinitus. Et esto memor de quo Psalmista prophetavit dicens. Accingere gladio tuo super femur tuum potentissime, *ut in hoc per eundem vim æquitatis exerceas,* [l] *molam iniquitatis potenter destruas, & sanctam Dei Ecclesiam, ejúsque fideles propugnes & protegas, nec minus sub fide falsos quam Christiani nominis hostes execreris ac destruas, viduas, & pupillos clementèr adjuves ac defendas, desolata*

[l] So in *Bochell.* But it should be *Molem*: that and some other passages are in that of the *Roman Pontificale.*

desolata restaures, restaurata conserves, ulciscaris injusta, confirmes bene dispositа, quatenus hæc in agendo, virtutum triumpho glorioſus, justitiæque Cultor egregius cum Mundi Salvatore cujus typum geris in nomine, sine fine merearis regnare, qui cum Patre, &c. [m].

The Coronation of the French *King.*

m *Patre & S. S. vivit & regnat Deus, Per omnia sæcula sæculorum. Amen.* Bochellus.

Hic cantatur ista Antiphona.

Confortare, & esto vir, & observa custodias Domini Dei *tui, ut ambules in viis ejus & custodias ceremonias ejus & præcepta ejus & testimonia & judicia* [n] *quocunque te verteris confirmet te Deus.*

n *judicia & quocunque.* Bochellus.

Cantata ista Antiphona dicitur ista oratio post dationem *Gladii.*

Deus qui providentia tua cœlestia simul & terrena moderaris, propitiare Christianissimo *Regi nostro, ut omnis hostium suorum fortitudo virtute gladii spiritualis frangatur, à* [o] *te pro illo pugnante penitus conteratur, per Dominum.*

o *a te pro illo.* Bochellus.

Gladium Debet Rex humiliter recipere de manu *Archiepiscopi*, & devote flexis genibus offerre ad altare, & statim genibus Regis in terram positis resumere de manu *Archiepiscopi*, & [p] incontinenti dare Seneschallo *Franciæ*, si Seneschallum habuerit, Sin autem, cui voluerit de Baronibus ad portandum ante se & in Ecclesia usque in finem Missæ, Et post Missam usque ad Palatium. Tradito per Regem *Gladio*, ut dictum est, dicat *Archiepiscopus* hanc Orationem.

p *statim dare.* Bochellus.

Prospice [q] *Omnipotens* Deus *serenis obtutibus hunc gloriosum Regem* N. *Et sicut benedixisti* Abraham, Isaac, & Jacob, [r] *et sic illum largis benedictionibus spiritualis graciæ, cum omni plenitudine potentiæ irrigare atque perfundere dignare. Tribue ei de rore cœli, et de pinguedine terræ, habundantiam frumenti, vini et olei, et omnium frugum opulentiam, ex largitate divini muneris longa per tempora, ut illo regnante sit sanitas corporum in patria, et pax inviolata sit in Regno, et dignitas gloriosa regalis palatii maximo splendore regiæ potestatis oculis omnium fulgeat, luce clarissima* [s] *choruscare atque splendere, quasi splendidissima fulgura maximo perfusa lumine videatur. Tribue ei omnipotens* Deus *ut sit fortissimus protector Patriæ, et Consolator Ecclesiarum atque Cœnobiorum Sanctorum maxima cum pietate regalis munificentiæ, atque ut sit fortissimus regum, Triumphator hostium ad opprimendas rebelles &* [t] *paganas nationes. Sitque suis inimicis satis terribilis præ maxima fortitudine regalis potentiæ, Optimatibus*

q To this, the Title is in *Bochellus super Regem genuflexum* with *Oremus.*

r *Jacob, sic* Bochell.

s *coruscante atque* Bochellus.

t *Paganorum,* idem.

The Coronation of the French *King.*

bus quoque atque præcelsis proceribus ac fidelibus sui regni sit munificus, & amabilis, & pius, ut ab omnibus timeatur atque diligatur. Reges quoque de lumbis ejus per successiones temporum futurorum egrediantur, Regnum hoc regere totum. Et post glorioſa tempora atque fælicia præsentis vitæ gaudia sempiterna in perpetua beatitudine habere mereatur. Quod ipse præstare [u] *dignetur, &c.*

[u] *Digneris qui cum unigenito filio tuo &c.* Bochellus.

Alia Benedictio.

Bene✠dic Domine quæsumus hunc Principem nostrum quem ad salutem populi Nobis à te credimus esse concessum, fac eum esse annis multiplicem, vigenti atque salubri corporis robore vigentem, & ad senectutem optatam, atque deviùm ad finem pervenire fælicem. Sit nobis fiducia eam obtinere gratiam pro populo quam Aaron *in tabernaculo*, Helyseus *in fluvio*, Ezechias *in lectulo*, Zacharias *vetulus impetravit in templo*; *sit illi regendi virtus atque auctoritas, qualem* Josue *suscepit in castris*, Gedeon *sumpsit in præliis*, Petrus *accepit in clave*, Paulus *est usus in dogmate. Et ita Pastorum cura tuum proficiat in ovile, sicut* Isaac *profecit in fruge &* Jacob *dilatatus est in grege. Quod ipse* [x]*, &c.*

[x] *præstat &c. ut supra.*

Oratio.

Deus *Pater æternæ Gloriæ sit Adjutor tuus et Protector, et omnipotens benedicat tibi, preces tuas in cunctis exaudiat, et vitam tuam longitudine dierum adimpleat, thronum regni tui jugitèr firmet, et gentem populúmque tuum in æternum conservet, et inimicos tuos confusione induat, et super te sanctificatio Christi floreat, ut qui tibi tribuit in terris Imperium ipse in cœlis conferat præmium, Qui vivit, &c.*

Hucusque de *Gladio.* Posthæc præparatur *Unctio* in hunc modum. Sed quamdiu ab Archiepiscopo paratur incipit Cantor.

Resp. *Gentem* Francorum *inclytam,*
Simul cum Rege nobili,
Beatus Remigius *sumpto,*
Cælitùs crismate, sacro,
Sanctificavit gurgite,
Atque Spiritus sancti,
Plenè ditavit munere,

Vers.

Vers. *Qui dono singularis gratiæ in Columba apparuit & divinum crisma cælitùs Pontifici ministravit.* The Coronation of the French *King.*

Vers. *Ora pro Nobis beate* Remigi.

Resp. *Ut digni efficiantur promissionibus Christi.*

ORATIO.

Oremus.

Deus, *qui populo tuo æternæ salutis beatum* Remigium *Ministrum tribuisti, præsta, quæsumus, ut quem doctorem vitæ habuimus in terris, intercessorem habere mereamur in cœlis per Christum.* [g]

Chrisma in Altari ponitur super patenam consecratam, & *Archiepiscopus* sacrosanctam ampullam, quam Abbas beati *Remigii* attulit super altare, debet aperire, et inde cum acu aurea, aliquantulum de oleo cælitus misso attrahere, et crismati parato in patena diligentiùs cum digito immiscere ad inungendum *Regem*, qui solus inter universos Reges terræ hoc glorioso præfulget privilegio; [h] ut oleo cælitùs misso singulariter inungatur. Paratâ unctione quâ *Rex* debet inungi ab *Archiepiscopo*, debent dissolvi ansulæ aperturarum vestimentorum Regis ante & retrò, et genibus *Regis* in terram positis, prostrato super faldistorium; Archiepiscopo etiam consimiliter prostrato. Duo Archiepiscopi vel Episcopi incipiunt Letaniam.

g In that place in *Bochellus*, his Copy hath this note; *Hic debet fieri mistio de Chrismate & oleo cælitùs misso.*

h *Privilegio, ut Chrismate juncta cum oleo cælitùs misso, modo alio, quàm cæteri Reges, singulariter inungibatur. Alii enim Reges inunguntur solùm in Humero: iste verò in Capite & in aliis membris sicut inferiùs distinguetur. Parata, &c.* So it is in *Bochellus*. But whoever drew in this Glois, was vainly deceived. For the Use in *England* as well as *France*, was antient, and so also (by the *Ord. Romanus*) in other Kingdoms, where Anointing was allowed, to anoint the Head, notwithstanding what we find otherwise in the Popes Canons, which Princes obeyed at their pleasure. But for this matter, see before pag. 119.

In the Copy, the next words that follow, are *Quære Letaniam in fine hujus libri*, where indeed it is; but because it properly should follow here, I have so placed it.

Kyrie eleyson.
Christe eleyson.
Kyrie eleyson.
Christe audi Nos.
Sancta Maria *ora pro nobis.*
Sancte Michael *ora &c.*
Sancte Gabriel *ora.*
Sancte Raphael *ora.*
Sancte chorus Angelorum ora.
Sancte Johannes Baptista *ora.*
Sancte Petre *ora.*
Sancte Petre *ora.*
Sancte Paule *ora.*
Sancte Andrea *ora.*
Sancte Jacobe *ora.*
Sancte Joannes *ora.*
Sancte Thoma *ora.*
Sancte Philippe *ora.*
Sancte Jacobe *ora.*
Sancte Bartholomæe *ora.*
Sancte Matthæe *ora.*
Sancte Symon *ora.*
Sancte Thadæe *ora.*
Sancte Mathia *ora.*
Sancte Barnaba *ora.*
Sancte chorus Apostolorum ora.
Sancte Stephane *ora.*
Sancte Clemens *ora.*
Sancte Calixte *ora.*
Sancte Marcelle *ora.*
Sancte Nichasi *cum sociis* * *suis, ora.*

* *suis* Bochel.

The Coronation of the French *King.*

Sancte Laurenti *ora.*
Sancte Dionysi *cum sociis*
* *Tuis* Bochel. * *suis, ora.*
Sancte Maurici *cum sociis*
* *Tuis* Bochel. * *suis, ora.*
Sancte Gervasi *ora.*
Sancte Prothasi *ora.*
Sancte Timothee *ora.*
Sancte Apollinaris *ora.*
Sancte chorus Martyrum ora.
Sancte Sylvester *ora.*
Sancte Remigi *ora.*

Bis & altiori voce cantetur.

Sancte Augustine *ora.*
Sancte Jeronyme *ora.*
Sancte Ambrosi *ora.*
Sancte Gregori *ora.*
Sancte Sixte *ora.*
* *Fanci* Boch. *Sancte* * Sinici *ora.*
Sancte Rigoberte *ora.*
Sancte Martine *ora.*
Sancte Maurili *ora.*
Sancte Nicolae *ora.*
Sancte chorus Confessorum ora.
S. Maria Magdalena *ora.*
S. Maria Ægyptiaca *ora.*
Sancta Felicitas *ora.*
Sancta Perpetua *ora.*
Sancta Agatha *ora.*
Sancta Agnes *ora.*
Sancta Cecilia *ora.*
Sancta Eutropia *ora.*
Sancta Genovefa *ora.*
Sancta Columba *ora.*
Sancta Scolastica *ora.*
Sancta Petronilla *ora.*
Sancta Katherina *ora.*
Sancte chorus Virginum ora.
Omnes Sancti orate.
Propitius esto. Parce Nobis Domine.
Propitius esto. Libera Nos Domine.
Ab insidiis Diaboli libera.
A damnatione perpetua libera.
Per mysterium sanctæ Incarnationis tuæ, libera.
Per Passionem & Crucem tuam, libera.
Per gratiam sancti Spiritus paracliti, libera.
In die Judicii libera.
Peccatores te rogamus audi nos
Ut pacem Nobis dones te rogamus.
Ut misericordia, & pietas tua nos custodiat, te rogamus.
Ut gratiam sancti Spiritus cordibus nostris clementer infundere digneris, te rogamus.
Ut Ecclesiam tuam regere, & defendere digneris, te rogamus.
Ut dompnum apostolicum, & omnes gradus Ecclesiæ in sancta religione conservare digneris, te rogamus.
Ut Archiepiscopum nostrum N. *cum omni grege sibi commisso in tuo sancto servicio confortare, & conservare digneris, te rogamus.*

Et dicitur bis.

Ut obsequium servitutis nostræ rationabile facias, te rogamus.

Tunc Archiepiscopus ab accubitu surgens, & ad Regem consecrandum se volvens, baculum Pastoralem cum sinistra tenens dicat hos versus, choro post eum quemlibet integrè repetente.

Ut

Ut hunc præsentem famulum tuum N. *in Regem coronandum bene✠dicere digneris. Te rogamus audi Nos.*

Secundo dicit.

Bene✠dicere & sublimare digneris, te rogamus.

Tertio dicit.

Bene✠dicere, sub✠limare, & consecrare digneris, te rogamus.

Quo dicto, & à choro responso, redit ad accubitum, Episcopis resumentibus & prosequentibus Letaniam.

Ut Regibus, & Principibus Christianis pacem & concordiam donare digneris, te rogamus.

Ut cunctum populum Christianum precioso sanguine tuo redemptum conservare digneris, te rogamus.

Ut cunctis fidelibus defunctis requiem æternam donare digneris, te rogamus.

Ut nos exaudire digneris, te rogamus.

Fili Dei, te rogamus.

Agnus Dei qui tollis peccata mundi, parce nobis Domine.

Agnus Dei qui tollis peccata mundi, exaudi nos Domine. The Coronation of the French *King.*

Agnus Dei qui tollis peccata mundi, miserere nobis.

Christe audi nos.

Kyrie eleyson.

Christe eleyson.

Kyrie eleyson.

Letania finita, *Metropolitanus* surgens, Rege & Episcopis prostratis manentibus, annunciat.

Pater noster: Et ne nos.

Salvum fac servum tuum.

Deus *meus, sperantem in te.*

Esto ei, Domine, turris fortitudinis.

A facie inimici.

Nihil proficiat inimicus in eo.

Et filius iniquitatis non opponat nocere ei.

Domine exaudi. Et clamor Dominus vobiscum, Et cum Spiritu tuo. Oremus.

Oratio.

Pretende quæsumus Domine huic famulo tuo N. *dexteram cœlestis auxilii, ut te toto corde perquirat, & quæ dignè postulat assequi mereatur. Per Dom.* Resp. *Amen.*

In all this of the Letany, *Te rogamus*, *Libera nos*, and *Ora*, are in this Copy as they are here transcribed. But they stand for, *Te rogamus audi nos Domine*, *Libera nos Domine*, and *Ora pro nobis.*

Alia Oratio.

Actiones nostras, quæsumus, Domine *aspirando præveni, & adjuvando prosequere, ut cuncta nostra operatio & oratio, à te semper incipiat, et per te cœpta finiatur. Per Dom.*

The Coronation of the French *King.*

Item *Archiepiſcopus* debet ſuper *Regem* dicere has Orationes, antequam eum inungat & debet ſedere ſicut ſedet quando conſecrat Epiſcopos.

Te invocamus Domine, *ſancte Pater omnipotens, æterne Deus, ut hunc famulum tuum* N. *quem tuæ divinæ diſpenſationis providentia in primordio plaſmatum uſque in hunc præſentem diem, juvenili flore lætantem creſcere conceſſiſti : eum tuæ pietatis dono ditatum, plerumque gratia veritatis de die in diem coram Deo & hominibus ad meliora ſemper proficere facias, ut ſummi regiminis ſolium, gratiæ ſupernæ largitate gaudens ſuſcipiat, & miſericordiæ tuæ muro ab hoſtium adverſitate undique munitus, & plebem ſibi commiſſam cum pace propitiationis, & virtute victoriæ regere mereatur, Per Dominum.*

Alia Oratio.

Deus *qui populis tuis virtute conſulis & amore dominaris, da huic famulo tuo ſpiritum ſapientiæ tuæ cum regimine diſciplinæ ut tibi toto corde devotus, in regni regimine ſemper maneat idoneus, tuóque munere ipſius temporibus ſecuritas Eccleſiæ dirigatur, & in tranquillitate devotio Eccleſiaſtica permaneat ut in bonis operibus perſeverans, ad æternum regnum te duce valeat pervenire. Per.*

Alia Oratio.

In diebus ejus oriatur omnibus æquitas & juſtitia amicis adjutorium, inimicis obſtaculum, humilibus ſolatium, elatis correctio, divitibus doctrina, pauperibus pietas, peregrinis pacificatio, propriis in patria pax & ſecuritas, unumquemq; ſecundum ſuam menſuram moderatè gubernans, ſeipſum ſedulus diſcat, ut tua irrigatus compunctione toto populo tibi placita præbere vitæ poſſit exempla, & per viam veritatis cum grege gradiens ſibi ſubdito opes frugales habundanter acquirat ſimulq; ad ſalutem non ſolum corporum ſed etiam cordium à te conceſſam, cuncta accipiat. Sícq; in te cogitatum animi conſiliúmq; omne componens, plebis gubernacula cum pace ſimul & ſapientia ſemper invenire videatur. Téq; auxiliante præſentis vitæ proſperitatem et prolixitatem percipiat, et per tempora bona uſq; ad ſummam ſenectutem perveniat, hujúſq; fragilitatis finem perfectum ab omnibus vitiorum vinculis tuæ pietatis largitate liberatus, et infinitæ proſperitatis præmia perpetua Angelorúmq; æterna commercia conſequatur. Per Dom.

Conſecratio

The Coronation of the French *King.*

Consecratio Regis.

Omnipotens sempiterne Deus *Creator ac Gubernator cœli & terræ, Conditor & dispositor Angelorum & hominum, Rex Regum, & Dominus Dominorum, qui* Abraham *fidelem famulum tuum de hostibus triumphare feciſti,* Moysi & Josue *populo tuo prælatis multiplicem victoriam tribuiſti, humilem quoque puerum tuum* David *regni fastigio sublimaſti, eúmq; de ore* Leonis, *& de manu bestiæ atq;* Goliæ, *sed & de gladio maligno* Saul *& omnium inimicorum ejus liberaſti, &* Solomonem *sapientiæ pacísq; ineffabili munere ditaſti; respice propitius ad preces nostræ humilitatis, & super hunc famulum tuum* N. *quem supplici devoti devotione in hujus regni* Regem *pariter eligimus, benedicti✠onum tuarum dona multiplica, eúmque dextera potentiæ tuæ ubiq; circunda, quatenus prædicti* Abrahæ *fidelitate firmatus,* Moysi *mansuetudine fretus,* Josue *fortitudine munitus,* David *humilitate exaltatus,* Solomonis *sapientia decoratus, tibi in omnibus complaceat, & per tramitem Justitiæ inoffenso gradu semper incedat, & totius regni Ecclesiam deinceps cum plebibus sibi annexis ita enutriat ac doceat, muniat & instruat, contráq; omnes visibiles & invisibiles hostes idem potenter regalitérq; tuæ virtutis regimen administret, ut regale solium videlicet* [a] Saxonum, Merciorum, Nordanchimbrorum *sceptra non deserat, sed ad pristinæ fidei pacísq; concordiam eorum animos te opitulante reformet ut utrorúmq; horum populorum debita subjectione fultus cum digno amore glorificatus per longum vitæ spatium paternæ apicem gloriæ tua miseratione unitum stabilire et gubernare mereatur, tuæ quoque protectionis galea munitus, et scuto insuperabili jugiter protectus, armísq; cœlestibus circundatus; optabilis victoriæ triumphum de hostibus fœliciter capiat, terrorémq; suæ potentiæ infidelibus inferat, et pacem militantibus lætanter reportet, virtutibus necnon quibus præfatos fideles tuos decoraſti, multiplici honoris benedicti✠one condecora, et in regimine regni sublimiter colloca, et oleo gratiæ Spiritus sancti perunge. Per Dominum nostrum qui virtute Crucis tartara destruxit, regnóq; Diaboli superato, ad cœlos victor ascendit. In quo potestas omnis regnúmq; consistit et victoria, qui est gloria humilium et vita salúsq; populorum, Qui tecum, &c.*

[a] Plainly this praier was first made for the *English-Saxon* Kings. For what had ever any of the *French* Kings to do with these people? But the wonder is most strange, that this place of the praier (which might have been fitted for any King) is thus left here. In *Bochellus, Nordam, Cimbrorum,* is for *Nordanchimbrorum* which should have been doubtless *Nordhanhumbrorum,* for those beyond *Humber.* And it is plain that the very syllables of the *Saxon* Ceremonial are afterward used in this of the *French.*

The Anointing *the* French *King.*

Hìc inungatur inunctione *Crismatis* & *Olei* de cœlo missi priùs ab *Archiepiscopo* confecti in patena sicut in superius dictum est. Inungat autem Archiepiscopus eum primò in summitate capitis de dicta unctione, Secundò in pectore, Tertiò

The Coronation of the French *King.*

tiò inter ſcapulas, Quartò in compagine brachiorum & dicat cuilibet unctioni,

Ungo te in Regem de oleo ſanctificato in nomine Patris & Filii & Spiritus ſancti.

Dicant omnes. *Amen.*

Dum hæc unctio agitur cantent aſſiſtantes hanc Antiphonam.

Unxerunt Solomonem Sadoch *Sacerdos*, & Nathan *Propheta Regem in* Gyon, *et accedentes læti dixerunt*, *Vivat Rex in æternum.*

Facta unctione & cantata Antiphona dicat *Archiepiſcopus* hanc Orationem.

Chriſte *perunge hunc Regem in regimen unde unxiſti Sacerdotes, Reges, ac Prophetas, ac Martyres qui per fidem vicerunt regna, operati ſunt juſtitiam, atque adepti ſunt promiſſiones. Tua ſacratiſſima unctio ſuper caput ejus defluat, atq; ad interiora deſcendat, & cordis illius intima penetret & promiſſionibus quas adepti ſunt victorioſiſſimi Reges, tuâ gratiâ dignus efficiatur quatenus & in præſenti ſæculo fœliciter regnet & ad eorum conſortium in cœleſti regno perveniat. Per Dominum noſtrum* Jeſum Chriſtum *Filium tuum, qui unctus eſt oleo lætitiæ præ conſortibus ſuis; & virtute Crucis poteſtates aerias debellavit, tartara deſtruxit, regnúmq; Diaboli ſuperavit, & ad cœlos victor aſcendit, in cujus victoria* * *manu omnis gloria & poteſtas conſiſtunt; & tecum vivit & regnat in unitate Spiritus Sancti Deus per omnia ſæcula ſæculorum. Amen.*

* *manu, victoria omnis, gloria* Bochellus.

Alia Oratio.

Deus *electorum fortitudo & humilium celſitudo qui in primordio per effuſionem diluvii mundi crimina caſtigare voluiſti, Et per columbam ramum olivæ portantem pacem terris redditam demonſtraſti, Itérúmq; Sacerdotem* Aaron *famulum tuum per unctionem olei Sacerdotem Sanxiſti, & poſteà per hujus unguenti infuſionem ad regendum populum* Iſraeliticum *Sacerdotes, Reges, ac Prophetas perfeciſti, vultúmq; Eccleſiæ in oleo exhilarandum per propheticam famuli tui vocem* David, *eſſe prædixiſti: ita quæſumus, omnipotens Deus Pater, ut per hujus creaturæ pinguedinem hunc ſervum tuum ſanctificare benedictione digneris, eúmq; in ſimilitudinem Columbæ pacem ſimpli-*

simplicitatis populo sibi commisso præstare, & exempla Aaron *in Dei servitio diligenter imitari, regnúq; fastigia in consiliis scientiæ, & æquitate Judicii semper assequi, vultúmq; hilaritatis per hanc olei unctionem, tuámq; bene✠dictionem te adjuvante toti plebi paratum habere facias. Per Dominum.*

The Coronation of the French *King.*

Alia Oratio.

Deus Dei filius Dominus noster Jesus Christus, *qui à Patre oleo exaltationis unctus est præ participibus suis, ipse per præsentem sacri unguinis infusionem spiritus Paracliti super caput tuum infundat bene✠dictionem eandémq; usq; ad interiora cordis tui penetrare faciat, quatenus hoc visibili & tractabili dono invisibilia percipere, & temporali regno justis moderaminibus executo, æternaliter cum eo regnare merearis. Qui solus sine peccato Rex Regum vivit, & gloriatur cum* Deo *Patre in unitate ejusdem Spiritus sancti* Deus, *Per &c.*

His dictis orationibus connectuntur Ansulæ aperturarum vestimenti *Regis* ab *Archiepiscopo* vel Sacerdotibus vel Diaconibus propter unctionem.

* Benedictio cujuscunque regalis ornamenti.

* This and the Praier following is not in *Bochellus.*

Deus *Rex Regum, & Dominus Dominantium per quem Reges regnant, & legum Conditores jura decernunt, dignare propitius bene✠dicere hoc regale ornamentum, & præsta ut famulus tuus* Rex *noster qui illud portaturus est ornamento bonorum morum & sanctarum actionum in conspectu tuo fulgeat, & post temporalem vitam æternam gloriam quæ tempus non habet sine fine possideat, &c.*

Et tunc à Camerario *Franciæ* induitur tunica * jacinctina, & desuper socco ita quod dexteram manum habet liberam in * apertura socci, & super soccum elevatum sicut elevatur casula Sacerdoti. Tunc ab *Archiepiscopo* ungantur sibi manus de prædicto oleo cœlitùs misso ut supra, & dicat *Archiepiscopus.*

* hyacinthina.

* Copertura *Bochellus.*

The anointing of the French *Kings* hands.

Ungantur manus istæ de oleo sanctificato unde uncti fuerunt Reges, & prophetæ, & sicut unxit Samuel David *in* Regem, *ut sis benedictus, & constitutus* Rex *in regno isto quem Dominus* Deus *tuus dedit tibi ad regendum, & gubernandum. Quod ipse præstare &c.*

Deinde

The Coronation of the French *King.*

Deinde dicat *Archiepiſcopus* hanc Orationem.

Deus *qui es Juſtorum gloria & miſericordia peccatorum, qui miſiſti filium tuum pretioſiſſimo ſanguine ſuo genus humanum redimere, qui conteris bella, pugnator es in te ſperantium, & ſub cujus arbitrio omnium regnorum continetur poteſtas, te humiliter deprecamur ut præſentem famulum tuum* N. *in tua miſericordia confidentem in præſenti ſede regali bene✠dicas eique propitius adeſſe digneris; ut qui tua expetit protectione defendi, omnibus hoſtibus ſis fortior. Fac eum* Domine *beatum eſſe, & victorem de inimicis ſuis. Corona eum coronâ juſtitiæ & pietatis, ut ex toto corde, et tota mente in te credens tibi deſerviat, ſanctam Eccleſiam tuam defendat, et ſublimet, populúmque à te ſibi commiſſum juſtè regat et nullis inſidiantibus malis eum injuſtitia convertat. Accende* Domine *cor ejus ad amorem gratiæ tuæ, per hoc unctionis oleum, unde unxiſti Sacerdotes, Reges et Prophetas, quatenus juſtitiam diligens per tramitem ſimiliter incedens juſtitiæ, poſt peracta à te diſpoſita, in regali excellentia annorum curricula pervenire ad æterna gaudia mereatur. Per eundem, &c.*

Facta autem manuum unctione, jungat *Rex* ante pectus. Poſteà ſi voluerit *Rex Cyrotecas* ſubtiles induere ſicut faciunt Epiſcopi dum conſecrantur, ob reverentiam ſanctæ unctionis ne manibus nudis aliquid tangant; primò ab Archiepiſcopo benedicentur cyrotecæ in hæc verba ſequentia.

Oratio.

The benediction of his *Gloves.*

Omnipotens Creator qui hòmini ad imaginem tuam creato manus digitis diſcretionis inſignitas tanquam organum intelligentem ad rectè operandum dediſti, quas ſervari mundas præcepiſti, ut in eis anima digna portaretur, et tua in eis dignè contrectarentur myſteria bene✠dicere, et ſancti✠ficare digneris hæc manuum tegumenta, ut quicunq; Reges *hiis cum humilitate manus ſuas velare voluerint, tam cordis quàm operis munditiam tua miſericordia ſubminiſtret. Per Chriſtum.*

The putting on his Gloves.

Et aſpergantur *Cyrotecæ* benedicta, deinde imponantur manibus *Regis* per *Archiepiſcopum* dicentem.

Circunda Domine manus hujus famuli tui N. *munditia novi hominis qui de cœlo deſcendit, ut quemadmodum* Jacob *dilectus tuus pelliculis* * *edorum opertis manibus paternam benedictio-*

* *hædorum.*

nem

nem oblato Patri cibo potúq; gratissimo impetravit, sic & iste gratiæ tuæ benedicti✠onem impetrare mereatur. Per eumdem Dominum nostrum Jesum Christum *qui in similitudinem carnis peccati tibi obtulit semetipsum. Amen.* The Coronation of the French *King.*

Vel si *Rex* maluerit Cyrotecas non habere, tunc facta manuum unctione dictisq; orationibus ad eam spectantibus Episcopi adsistentes cum cotone manus *Regis* abstergant, & mica panis vel cum sale fricent, deinde lavent sibi manus quibus lotis & manibus etiam Archiepiscopi, benedicat Archiepiscopus *Annulum* sic dicens. *The wiping the* French *Kings hands, being anointed, if he will have no* Gloves.

Oremus.

Oratio.

Deus *totius creaturæ Principium & Finis, Creator & Conservator humani generis, Dator gratiæ spiritualis, Largitor æternæ salutis in quo clausa sunt omnia, tu Domine tuam emitte benedicti✠onem super hunc annulum, ipsúmq; benedi✠cere, & sanctifi✠care dignare, ut qui per eum famulo tuo honoris insignia concedis, virtutum præmia largiaris, quo discretionis habitum semper retineat, & veræ fidei fulgore præfulgeat, sanctæ quoq; Trinitatis armatus munimine miles inexpugnabilis acies Diaboli constanter evincat, & sibi veram salutem mentis & corporis proficiat. Per* Christum. The Benediction of the *King.*

* Benedictio Annuli.

Deus *cœlestium terrestriúmq; conditor creaturarum, atque humani generis benignissimus reparator, dator spiritualis gratiæ, omniúmque benedictionum largitor, qui justitiam tuæ legis in cordibus credentium digito tuo, id est, unigenito tuo scribis. Tui magi in egipti resistere non valentes continuabant dicentes,* Digitus Dei hic est, *Immitte Spiritum sanctum tuum paraclitum de cœlis super hunc* Annulum *arte fabrili decoratum, & sublimitatis tuæ potentia ità eum emundare digneris, ac omni nequitia lividi venenosiq; serpentis procul expulsa metallum à te bono Conditore creatum * munimine à cunctis sordibus inimici maneat. Amen.* *This, with the two Praiers or benedictions following, is wanting in *Bochellus*, and is written in the Margin of the copy of King *Charles*, and directed to come in here.

* l. *immunt.*

Alia Oratio.

Bene✠dic Domine & sancti✠fica Annulum *istum, & mitte super eum septiformem Spiritum tuum quo famulus tuus*

The Coronation of the French King.

co fruens annulo fidei ſubarratus, virtute altiſſimi ſine peccato cuſtodiatur, & omnes benedictiones quæ in Scripturis divinis reperiuntur ſuper eum copiosè deſcendant, ut quæcunq; ſanctificaverit ſanctificata permaneant, & quæcunq; benedixerit, ſpirituali benedictione benedicantur. Per &c.

Deindè datur ei ab *Archiepiſcopo Sceptrum* in manu dextera, & virga in ſiniſtra, & in datione *Sceptri* & *Virgæ* dicentur iſtæ orationes. Sed notandum antequam dantur *Sceptrum* & *Virga*, datur *Annulus*, & in datione *Annuli* dicitur hæc Oratio. Hic detur *Annulus*, & dicatur.

The giving him the *Ring.*

Accipe Annulum *ſignaculum videlicet fidei ſanctæ, ſoliditatem regni, augmentum potentiæ per quæ ſcias triumphali potentia hoſtes repellere, hæreſes deſtruere, ſubditos coadunare, & Catholicæ fidei perſeverabilitati connecti.*

Oratio poſt Annulum.

Deus *cujus eſt omnis poteſtas & dignitas da famulo proſperum ſuæ dignitatis effectum, in qua te remunerante permaneat, ſemperque timeat, tibique jugiter placere contendat. Per Dominum.*

Dato Annulo, ſtatim poſt detur *Sceptrum* in manu dextera, & dicatur hæc Oratio.

The giving him the *Scepter.*

Accipe Sceptrum *Regiæ poteſtatis inſigne, virgam ſcilicet regni, rectam virgam virtutis qua te ipſum bene regas, ſanctam Eccleſiam populúmq; videlicet Chriſtianum tibi à Deo commiſſum regia virtute ab improbis defendas, pravos corrigas, rectos pacifices, & ut viam rectam tenere poſſint tuo juvamine dirigas, quatenus de temporali regno ad æternum regnum pervenias, ipſo adjuvante cujus regnum, imperium, ſine fine permanet in ſæcula ſæculorum.*

Oratio poſt Sceptrum datum.

Omnium Domine *fons bonorum, cunctorum Deus inſtitutor profectuum, tribue quæſumus famulo tuo* N. *adeptam bene regere dignitatem & à te ſibi præſtitum honorem dignare corroborare, Honorifica eum præ cunctis Regibus terræ, uberi eum* * *benedictione locupleta, & in ſolio regni firma ſtabilitate conſolida, viſita eum in ſobole, præſta ei prolixitatem vitæ, in diebus ejus oriatur juſtitia, ut cum jocunditate, & lætitia æterno glorietur in regno. Per D.*

* *Benedictione* Bochellus.

Poſt

The Coronation of the French *King.*

Post statim datur ei *Virga* in manu sinistra, & dicitur.

The giving him the *Rod* or *Verge*, which they now call, I think, *la Maine de Justice.*

Accipe Virgam *virtutis atque æquitatis qua intelligas mulcere pios, & terrere reprobos, errantibus viam dare, lapsisq; manum porrigere, dispersáq; superbos, & releves humiles, ut aperiat tibi hostium* Jesus Christus *Dominus noster, qui de seipso ait.* Ego sum hostium per me si quis introierit salvabitur. *Et qui est clavis* David, *& Sceptrum domus* Israel, *qui aperit & nemo claudit, claudit & nemo aperit. Sit tibi adjutor qui adduxit vinctum de domo carceris sedentem in tenebris, & umbra mortis ut in omnibus sequi merearis eum de quo Propheta* David *cecinit.* Sedes tua Deus in sæculum sæculi, virga æquitatis, virga regni tui, *& imiteris eum qui dixit,* Diligas justitiam, & odio habeas iniquitatem, *propterea unxit te* Deus, Deus *tuus oleo lætitiæ ad exemplum illius, quem ante sæcula unxerat præ participibus suis* Jesum Christum *Dominum nostrum.*

Benedictio Coronæ.

The benediction of the *Crown.*

Deus * *tuorum corona fidelium, qui in capitibus eorum ponis coronam de lapide precioso bene✠dic, & sancti✠fica coronam istam quatenus sicut ipsa diversis preciosisq; lapidibus adornatur sic famula tua largiente gratia repleatur. Per D.*

* This is in the Margin of the Copy of King *Charles*, and directed in here, but not in *Bochell.*

Post istam orationem convocantur *Pares* [a] nomine suo à *Cancellario* suo si præsens est. Sin autem, ab *Archiepiscopo:* primò [b] Laici, posteà Clerici, quibus vocatis & circumstantibus *Archiepiscopus* accipit de altari *Coronam Regiam*, & solus imponit eam capiti Regis. Qua posita, omnes *Pares* tam Clerici quam Laici manum apponunt [c] coronam, & eam undique sustentant, & soli Pares. Tunc *Archiepiscopus* dicit istam orationem antequam coronam situet in capite, sed eam [d] tenet satis altè ante caput Regis.

a ex nomine à Cancellario si &c. *Bochel.*

b Et vocantur primò laici, posteà clerici; & clerici vocantur eo ordine quo dictum est superius, de sedendo quibus &c. *Bochell.*

c Coronæ *Bochell.*

d tenet, *Bochell.* and after this presently follow these words, *Teneat* Metropolitanus Coronam *altè primò duabus manibus posteà sinistra tantum quando benedicit.*

Oratio.

Coronet te Deus *Corona gloriæ atque justitiæ honore, & opere fortitudinis, ut per officium nostræ benedi✠ctionis, cum fide recta & multiplici bonorum operum fructu ad Coronam pervenias regni perpetui, ipso largiente, cujus regnum & imperium permanet in sæcula sæculorum.*

The Coronation of the French *King*.

Qua oratione dicta ponendo *Coronam* in capite *, dicat *Archiepiscopus*.

* Quam semper tenet manu sinistrâ. *Bochellus.*

Accipe Coronam *regni in nomine Pa✠tris & Fi✠lii & Spiri✠tus* [a] *sancti ✠ ut spreto antiquo hoste, spretísq; contagiis vitiorum omnium sic justitiam, misericordiam, & judicium diligas, & ita justè & misericorditer & piè vivas, ut ab ipso Domino nostro* Jesu Christo *in consortio Sanctorum æterni regni Coronam percipias. Accipe inquam Coronam quam sanctitatis gloriam & honorem, & opus fortitudinis intelligas signare, & per hanc te participem Ministerii nostri non ignores, ita ut sicut Nos in interioribus Pastores, Rectorésque animarum* [b] *intelligimur, ita ut contra omnes adversitates Ecclesiæ Christi defensor assistas, regníq; tibi à Deo dati, & per officium nostræ bene✠dictionis in vice Apostolorum, omniúmq; Sanctorum regimini tuo commissi utilis executor, perspicuúsque Regnator semper appareas, ut inter glorioſos Athletas virtutum gemmis ornatus, & præmio sempiternæ fœlicitatis coronatus, cum Redemptore ac Salvatore nostro* Christo *cujus nomen vicémq; gestare crederis, sine fine glorieris; Qui vivit, & imperat Deus cum Deo Patre in sæcula sæculorum. Amen.*

a *Sancti ut* Bochellus.

b *ita* IN *contra* Bochellus.

c *Benedictionis* Bochellus.

Oratio post Coronam.

Deus perpetuitatis, Dux virtutum, cunctorum hostium Victor, [d] *benedic hunc famulum tuum tibi caput suum inclinantem, & prolixa sanitate, & prospera fœlicitate eum conserva et ubicunque pro quibus auxilium tuum invocaverit, citò assis, et protegas ac defendas, tribue ei quæsumus Domine divitias gloriæ tuæ, comple in bonis desiderium ejus, corona eum in miseratione, & misericordia, tibíq; Deo pia devotione jugiter famuletur. Per D.*

d *Benedic* Bochel.

Statim post istam Orationem dicatur ista Benedictio.

Extendat omnipotens Deus dexteram suæ [e] *benedictionis, et circundet te muro fœlicitatis ac custodia tua protectionis sanctæ* Mariæ *ac beati* Petri *Apostolorum Principis sanctíq;* Dyonisii [f] *atque omnium Sanctorum intercedentibus meritis. Amen.*

e *Benedictionis* Bochel.

f Dionysii *atque Beati* Remigii *atque* Bochellus.

Alia Benedictio.

Indulgeat tibi Dominus omnia peccata quæ gessisti, et tribuat tibi gratiam et misericordiam quam humiliter ab eo deposcis

poſcis, & liberet te ab adverſitatibus cunctis, & ab omnibus inimicorum omnium viſibilium & inviſibilium inſidiis. Amen. The Coronation of the French *King.*

Alia Benedictio.

Angelos ſuos bonos qui te ſemper & ubique præcedant, comitentur, & ſubſequantur ad cuſtodiam tui ponat, & à peccato, ſive gladio, & ab omnium periculorum diſcrimine ſua potentia liberet. Amen.

Alia Benedictio.

Inimicos tuos, ad pacis, caritatiſque benignitatem convertat, & bonis [g] *omnibus te gratioſum, & amabilem faciat, pertinaces quoque in tui inſectatione & odio infuſione ſalutari induat, ſuper te autem participatio et ſancti✠ficatio ſempiterna floreat. Amen.*

g *Bonis omnibus* Bochell.

Alia Benedictio.

Victorioſum te atque triumphatorem de inviſibilibus atque viſibilibus hoſtibus ſemper efficiat, et ſancti nominis ſui timorem, pariter et amorem continuum cordi tuo infundat, et in fide recta ac bonis operibus perſeverabilem reddat, et pace in diebus tuis conceſſà cum palma victoriæ, te ad perpetuum regnum perducat. Amen.

Alia Benedictio.

Et qui te voluit ſuper populum ſuum conſtituere Regem, et in præſenti ſæculo fœlicem æternæ fœlicitatis tribuat eſſe Conſortem. Amen. Quod ipſe præſtare &c.

Alia Benedictio dicenda ſuper eum. [h]

h Statim fiat iſta ſecunda Benedictio. *Bochellus.*

Bene✠dic [i] Domine *hunc Regem noſtrum qui regna omnium Regum à ſæculo moderaris. Amen.*

i *Bene✠dic.* Bochell.

Alia Benedictio.

Et tali eum [k] *benedicti✠one glorifica, ut* Davidica *teneat ſublimitate Sceptrum ſalutis, et ſanctificæ propitiationis munere reperiatur locupletatus. Amen.*

k *Benedictione.* Bochellus.

Alia Benedictio.

Da ei tuo ſpiramine cum manſuetudine ita regere populum ſicut Solomonem *feciſti regnum obtinere pacificum. Amen.*

Alia

The Coronation of the French *King.*

Alia Benedictio.

Tibi cum timore sit subditus, tibique militet cum quiete, sit tuo clypeo protectus, cum proceribus, et ubique gratia tua victor existat. Amen.

Alia Benedictio.

Honorifica eum præ cunctis Regibus *gentium, fœlix populis dominetur, et fœliciter eum nationes adornent, vivat inter gentium nationes magnanimus. Amen.*

Alia Benedictio.

Sit in judiciis æquitatis singularis, locupletet eum tua prædives dextera, frugiferam obtineat patriam, et ejus liberis tribus profutura. Amen.

Alia Benedictio.

Præsta ei prolixitatem vitæ per tempora ut in diebus ejus oriatur justitia, à te robustum teneat regiminis solium, & cum jocunditate & judicio æterno glorietur regno. Quod ipse præstare dignetur &c.

Alia Oratio.

Omnipotens Deus *det tibi de rore cæli, & de pinguedine terræ habundantiam frumenti, vini, et olei, et serviant tibi populi, et adorent Te tribus, esto Dominus fratrum tuorum, et incurventur ante te filii matris tuæ, et qui benedixerit tibi benedictionibus repleatur, et Deus erit adjutor tuus.*

Alia Oratio.

Omnipotens bene✠dicat tibi benedictionibus cœli desuper in montibus, et collibus benedictionibus abyssi jacentis deorsum benedictionibus uberum, et uvarum pomorumque, benedictiones Patrum antiquorum Abraham, Isaac, *et* Jacob, *confortatæ sint super te per Dominum.*

Alia Oratio.

Benedic Domine *fortitudinem Principis, opera manuum illius suscipe, et benedictione tua terra ejus de pomis repleatur de fructu cœli et rore, atque abyssi subjacentis, de fructu Solis et Lunæ, & de vertice antiquorum montium, de pomis æternorum collium, et de frugibus terræ, et de plenitudine ejus; benedictio illius qui apparuit in rubo veniat super caput ejus, et plena*

plena sit benedictio Domini in filiis ejus, et tingat in oleo pedem suum, cornua Rinoceruntis *cornua illius, in ipsis ventilabit gentes usque ad terminos terræ, quia ascensor cœli auxiliator suus in sempiternum fiat. Per D.* The Coronation of the French King.

Deinde coronatus *Rex*, & ducatur per manum ab *Archiepiscopo*, concomitantibus Paribus, tam prælatis quàm laicis, de altari per chorum usque ad solium jam anteà præparatum. Et dum *Rex* ad solium venerit *Archiepiscopus* ipsum collocet in sede. Et hic *Regis* status designatur, & dicat *Archiepiscopus*.

Sta, & retine amodo statum quem huc paterna successione tenuisti, hæreditario jure tibi delegatum per auctoritatem Dei *omnipotentis, et per præsentem traditionem nostram, omnium scilicet Episcoporum cæterorúmque Servorum* Dei. *Et quanto Clerum propinquiorem sacris altaribus prospicis; tanto ei potiorem in locis congruentibus honorem impendere memineris, quatenùs mediator Dei, et hominum te mediatorem cleri et plebis.*

Hic faciat eum sedere *Archiepiscopus* tenendo eum per manum.

In hoc regni solio confirmet et in regno æterno secum regnare faciat, Jesus Christus *Dominus noster Rex Regum, et Dominus Dominantium. Qui cum Deo Patre &c.*

Secundum usum aliquorum, maximè secundum usum *Romanorum* post intronizationem & non ante, Metropolitanus inchoat, Canonicis prosequentibus. *Te Deum laudamus.* [d] Quo finito, dicit super Regem.

[d] *Laudamus*; non dicitur nisi post Coronationem sequentem. Quo &c. *Bochellus.*

Vers. *Firmetur manus tua et exaltetur dextera tua.*

Resp. *Justitia et Judicium preparatio sedis tuæ. Domine exaudi. Et clamor. Dominus vobiscum. Et cum Spiritu tuo.*

Oremus.

ORATIO.

Deus *qui victrices* Moysi *manus in oratione firmasti, qui quamvis ætate lateseeret infatigabili sanctitate pugnabat, ut dum* Amalech *iniquus vincitur, dum prophanus Nationum populus subjugatur, exterminatis alienigenis hæreditati tuæ possessio copiosa serviret, opus manuum nostrarum pia mater orationis exauditione confirma. Habemus et Nos apud te, sancte Pater, Dominum salvatorem qui pro Nobis manus suas tetendit in cruce per quem etiam precamur altissime, ut ejus potentia suffragante, universorum hostium frangatur impietas, populúsque tuus cessante formidine te solum timere* [e] *confitetur. Per eundem &c.* [f].

[e] *Confiteat.* Bochell.

[f] There follows in *Bochellus, In ordinario sancti* Dionysii *post Intronizationem Regis ponitur* Profession *ejus ante osculum* Parium.

Hiis

The Coronation of the French King.

Hiis expletis *Archiepiſcopus* cum paribus coronam ſuſtentantibus Regem taliter inſignitum & deductum in ſolium ſibi præparatum ſericis ſtratum, & ornatum, ubi collocavit eum in ſede eminenti, unde ab omnibus poſſit videri. Quem in ſede ſua taliter reſidentem, mox *Archiepiſcopus* mitrâ depoſitâ oſculatur eum dicens,

Vivat Rex in æternum.

Et poſt eum Epiſcopi & Laici Pares qui ejus Coronam ſuſtentant, hoc idem dicentes. [g]

g In *Bochellus* there follows, *Hic incipiet Archiepiſcopus*, Te Deum, *quo incæpto recedat.*

His expletis manebit *Rex* ſedens in ſuo ſolio, donec *Regina* fuerit conſecrata, quâ conſecratâ & ad ſuam ſedem reducta miſſa à Cantore primo & Succentore chorum ſervantibus inchoetur, & ſuo ordine decantetur.

Oratio pro *Rege.*

Quæſumus Omnipotens Deus, *ut famulus tuus* Rex *noſter* N. *qui tua miſeratione Regni ſuſcepit gubernacula, virtutum etiam omnium percipiat incrementa, quibus decenter ornatus, & vitiorum monſtra devitare, & hoſtes ſuperare, & ad te qui via, veritas & vita es gratioſus valeat pervenire. Per Dominum.*

Secreta.

Munera quæſumus Domine *oblata ſanctifica, & ut Nobis unigeniti tui corpus & ſanguis fiant, &* N. Regi *noſtro ad obtinendam animæ corporiſque ſalutem, & ad peragendum injunctum officium te largiente uſquequaque proficiant. Per &c.* [h]

h Here the Copy of *Bochellus* hath this note. *Notandum antequam* Pax Domini ſit ſemper vobiſcum *dicatur, Archiepiſcopus debet dicere hanc benedictionem ſuper Regem & ſuper populum.* And then follow both that Benediction, and *Benedictio Vexilli*, or of the *Oriflamb*, which are both at the end of this, and added.

Poſtcommunio.

Hæc Domine *Oratio ſalutaris famulum tuum* N. *Regem noſtrum ab omnibus tueatur adverſis; quatenùs & Eccleſiaſticæ pacis obtineat tranquillitatem, et poſt illius temporis decurſum ad æternam perveniat hæreditatem. Per Dominum &c.*

Quando legitur Evangelium, *Rex*, & *Regina* debent deponere *Coronas* ſuas. Notandum quod lecto Evangelio, major inter *Archiepiſcopos* & *Epiſcopos* accipit librum Evangelii, & defert Domino *Regi* ad deoſculandum, & poſtea *Reginæ*, & poſteà Domino *Archiepiſcopo* Miſſam celebranti. Poſt offertorium *Pares* deducunt *Regem* ad altare, *Coronam* ejus ſuſtinentes. *Rex* autem debet offerre panem unum. Vinum in urceo argenteo. Treſdecem Biſantos aureos, & *Reginæ* ſimiliter. In eundo autem & redeundo *Gladius* nudus

dus defertur coram eo. Finita Missa iterùm *Pares* adducunt *Regem* coram altari, & communicat corpus & sanguinem Domini, de manu Domini *Archiepiscopi* Missam celebrantis. Sed notandum est, quod ille qui dedit ei Evangelium ad deosculandum debet post *Pax Domini* accipere pacem ab *Archiepiscopo* missam celebrante & deferre *Regi* cum oris osculo, & *Reginæ* [i] in libro. Et post eum omnes *Archiepiscopi*, & *Episcopi*, unus post alium, dant osculum pacis *Regi* in suo solio residenti. Missa finita deponit *Archiepiscopus Coronam* de capite *Regis*, & expoliato *Rege* de insignioribus vestimentis, & aliis indutis iterùm imponit capiti suo *Archiepiscopus* aliam *Coronam minorem*, & sic vadit ad palatium nudo Gladio præcedente. Et sciendum quod ejus *Camisia* propter *Sanctam unctionem* debet comburi.

The Coronation of the French *King.*

i *Cum libro.* Bochell.

De Ampullæ *reductione.*

Sciendum quod *Rex* debet accipere de *Baronibus* suis nobilioribus & fortioribus in die Coronationis suæ in aurora diei [k] mittere apud sanctum *Remigium* pro sancta *Ampulla*, & illi debent jurare Abbati & Ecclesiæ quod dictam sanctam *Ampullam* bona fide ducent & reducent ad sanctam Ecclesiam beati *Remigii*. Abbas autem hoc facto, debet sanctam *Ampullam* afferre sicut superiùs est notatum. Finita consecratione & missa, debent iterùm iidem Barones reducere sanctam *Ampullam* usque ad sanctum *Remigium* honorificè & securè, & eam restituere loco suo. [l]

k Dici & mittere &c. *Boch.*

l Thus far also that in *Bochellus*. And here it is concluded with *Explicit Consecratio & Coronatio Regis* Franciæ. But he hath not the Ceremonial for the *Queens Coronation* Which here follows.

Ordo ad Reginam benedicendam.

Quæ debet consecrari statim post factam Consecrationem *Regis*, debet ei parari solium in modum solii *Regis*. Debet tamen aliquantulum minus esse. Debet autem *Regina* adduci à duobus *Episcopis* in Ecclesiam, & *Rex* in suo solio sedere, in omnibus ornamentis suis regiis sicut in solio residebat post Inunctionem, & Coronationem suam superiùs annotatam. *Regina* autem adducta in Ecclesiam debet prosterni ante altare, & prostrata debet orare, quâ elevatâ ab oratione ab *Episcopis*, debet iterùm caput inclinare, & *Archiepiscopus* hanc Orationem dicere.

The Coronation *of the* French Queen.

Oratio.

Adesto Domine *supplicationibus nostris, & quod humilitatis*

The Coronation of the French Queen.

militatis noſtræ gerendum eſt myſterio tuæ virtutis impleatur effectu. Per Dom. &c.

Deinde dicat *Archiepiſcopus* hanc Orationem.

Omnipotens æterne Deus *fons & origo totius bonitatis, qui fœminei ſexus fragilitatem nequaquam reprobando, potiùs adverſaris ſed dignanter comprobando, potiùs eligis. Et qui infirma mundi eligendo, fortia quæque confundere decreviſti: quique etiam gloriæ virtutiſque tuæ triumphum in manu* Judith *fœminæ, olim* Judaicæ *plebi de hoſte ſæviſſimo deſignare voluiſti: reſpice quæſumus ad preces humilitatis noſtræ. Et ſuper hanc famulam tuam* N. *quam ſupplici devotione in* Reginam *eligimus, benedictio*✠*num tuarum dona multiplica. Eámque dextera tuæ potentiæ ſemper & ubique circunda, ſitque bono munimine tui undique firmitèr protecta, quatenùs viſibilis, ſeu inviſibilis hoſtis nequitias triumphaliter expugnare valeat. Et unà cum* Sara *atque* Rebecca, Lya & Rachel, *beatis reverendiſque fœminabus, fructu uteri ſui fœcundari ſeu gratulari mereatur, ad totius decorem regni, ſtatúmque ſanctæ* Dei *Eccleſiæ regendum, necnon protegendum. Per* Chriſtum *Dominum noſtrum. Qui ex intemerato beatæ* Mariæ *Virginis alvo naſci, viſitare, ac renovare dignatus eſt mundum: Qui tecum vivit &c.*

Alia Oratio.

Deus *qui ſolus habes immortalitatem, lucémque inhabitas inacceſſibilem, cujus providentia in ſui diſpoſitione non fallitur, qui feciſti quæ futura ſunt, & vocas ea quæ non ſunt, qui ſuperbos æquo moderamine de principatu dejicis, atque humiles in ſublime dignanter provehis. Ineffabilem miſericordiam tuam ſupplices exoramus ut ſicut* Heſter *Reginam,* Iſraelis *cauſa ſalutis, de captivitatis ſuæ compede ſolutam ad Regis aſſueti thalamum, regníque ſui conſortium tranſire feciſti. Ità hanc famulam tuam* N. *humilitatis noſtræ benedicti*✠*one Chriſtianæ plebis gratia ſalutis ad dignam ſublimémque copulam Regis noſtri miſericorditer tranſire concedas. Et ut in fœdere conjugii ſemper manens pudica proximam virginitatis palmam continere queat; tibíque Deo vivo & vero in omnibus & ſuper omnia jugiter placere deſideret. Et te inſpirante quæ tibi placita ſunt toto corde perficiat. Per Dominum noſtrum &c.*

Alia Oratio.

The Anointing of the French Queen.

Omnipotens ſempiterne Deus *hanc famulam tuam cœleſti*

lesti bene✠dictione sancti✠fica, & quam in adjutorio regni Reginam *eligimus, tua ubique sapientia doceat atque confortet, et Ecclesia tua fidelem famulam semper agnoscat. Per* Christum *Dominum nostrum.*

The Coronation of the French Queen. The Anointing of the French Queen.

Notandum quod tunica *Reginæ*, & camisia debent esse apertè usque ad corrigiam, & Dominus *Archiepiscopus* debet inungere eam oleo sancto in capite, & in pectore, & dicere dum inungit in qualibet Unctione.

In nomine Pa✠tris, et Fi✠lii, et Spiri✠tus sancti, prosit tibi hæc Unctio olei in honorem et confirmationem æternam in sæcula sæculorum. Amen.

Facta Unctione, dicat *Archiepiscopus*,

Oremus.

Spiritus sancti gratia humilitatis nostræ officio in te copiosa descendat, ut sicut manibus nostris indignis oleo materiali oblita pingueſcis exterius; ità ejus invisibili unguine delibuta impinguari mereare interius ejus spirituali unctione perfectissimè semper imbuta, et illicita declinare tota mente, et spernere discas seu valeas, et utilia animæ tuæ jugiter cogitare, optare, atque operari queas.

Alia Oratio.

Deus *Pater æternæ gloriæ sit tibi adjutor. Et omnipotens bene✠dicat tibi, preces tuas exaudiat, vitam tuam longitudine dierum adimpleat, bene✠dictionem tuam jugiter confirmet, te cum omni populi in æternum conservet, inimicos tuos confusione induat, & super te* Christi *sanctificatio ac hujus olei infusio floreat. Ut qui tibi in terris tribuit benedictionem, ipse in cœlis conferat meritum Angelorum. Benedi✠cat te, & custodiat in vitam æternam Dominus noster* Jesus Christus. *Qui vivit, &c.*

Tunc debet ab Archiepiscopo *Annulus* immitti digito, & dicere.

Accipe Annulum *fidei signaculum sanctæ Trinitatis, quo possis omnes hæreticas pravitates devitare, barbaras gentes virtute tibi præstita ad agnitionem veritatis advocare.*

The Ring given to the French Queen.

Sequitur Oratio, *Dominus vobiscum.*

Oremus.

Deus *cujus est omnis potestas & dignitas da famulæ tuæ*

The Coronation of the French Queen.

signo tuæ fidei prosperum suæ dignitatis effectum in qua tibi semper firma maneat, tibique jugiter placere contendat. Per Dominum &c.

The *Scepter* given to the *French* Queen, and the *Rod* or *Virge*.

Post istam Orationem datur ab *Archiepiscopo Sceptrum* modicum alterius modi quàm Sceptrum Regium, & *Virga* consimilis Virgæ Regiæ. Et in tradendo dicat *Archiepiscopus.*

Accipe Virgam *virtutis & æquitatis, & esto pauperibus misericors, & affabilis, viduis, pupillis, & orphanis diligentissimam curam exhibeas, ut Omnipotens* Deus *augeat tibi gratiam suam. Qui vivit, et regnat.*

Sequitur post dationem *Sceptri* & *Virgæ* hæc Oratio.

Omnipotens sempiterne Deus *affluentem spiritum tuæ benedictionis super famulam tuam nobis orantibus propitiatus infunde, utque per manus nostræ impositionem hodiè* Regina *institutur, sanctificatione tua dignâ, et electa permaneat, ut nunquam postmodum de tua gratia separetur indigna. Per Dominum.*

The *Crown* put on the *French Queen*.

Tunc debet ei imponi à solo *Archiepiscopo Corona* in *capite ipsius, quam impositam sustentare debent undique* Barones. Archiepiscopus *autem debet dicere in impositionem Orationem.*

Accipe Coronam *gloriæ et regalis excellentiæ, honorem jocunditatis, ut splendida fulgeas, et æternâ exultatione Coroneris. Ut scias te esse consortem regni, populóque Dei semper prosperè consulas, et quanto plus exaltaris, tanto amplius humilitatem diligas atque custodias. Unde sicut exteriùs auro et gemmis redimita enites, ità et interiùs auro sapientiæ virtutúmque gemmis decorari contendas, quatenus post occasum hujus sæculi cum prudentibus virginibus sponso perhenni Domino nostro* Jesu Christo *dignè et laudabiliter occurrens, regiam cœlestis aulæ merearis ingredi jannam, Auxiliante Domino nostro* Jesu Christo, *Qui cum Patre, et Spiritu sancto vivit, & regnat per infinita sæcula sæculorum. Amen.*

Post impositam *Coronam* dicat *Archiepiscopus.*

Omnium Domine *fons bonorum, et cunctorum dator profectuum, tribue famulæ tuæ* N. *adeptam benè regere dignitatem, et à te sibi præstitam in ea bonis operibus corrobora gloriam. Per Dom.*

Domine *sancte Pater omnipotens, æterne* Deus, *honorum cunctorum auctor et distributor, benedictionúmque omnium largus infusor, Tribue super hanc famulam tuam* Reginam

nam *bene✠dictionis gratiæ tuæ copiam, & quam humana sibi electio præesse gaudet, tuæ supernæ electionis ac bene✠dictionis infusio accumulet. Concede ei* Domine *auctoritatem regiminis, consilii magnitudinem, sapientiæ, prudentiæ, & intellectus habundantiam, religionis ac pietatis custodiam quatenus mereatur bene✠dici, & augmentari in nomine ut* Sara, *visitari, & fœcundari ut* Rebecca, *contra omnium muniri monstra vitiorum ut* Judith, *In regni regimine eligi ut* Hester. *Ut quam humana nititur fragilitas bene✠dicere, cœlestis potius intimi roris & sacri olei repleat infusio. Et quæ à Nobis coronatur & bene✠dicitur in* Reginam *à te mereatur obtinere in præmio æternitatis perpetuæ. Et sicut ab hominibus sublimatur in nomine ita à te sublimetur fide & operatione. Illo etiam sapientiæ tuæ * cum rore perfunde quem beatus* David *in repromissione, & filius ejus* Solomon *percepit in locupletatione. Sis ei* Domine *contra cunctorum ictus inimicorum lorica; in adversis galea, in prosperis sapientia, in protectione clypeus sempiternus. Sequatur pacem, diligat caritatem, abstineat se ab omni impietate, loquatur justitiam, custodiat veritatem. Sit cultrix justitiæ, & pietatis, amatrix religionis, vigeátque præsenti bene✠dictione in hoc ævo annis plurimis, & in sempiterno sine fine æternis. Præstante Domino nostro* Jesu Christo, *qui cum Patre & Spiritu sancto vivit, & regnat Deus. Per omnia sæcula sæculorum. Amen.*

The Coronation of the French Queen.

* l. eam.

Post istam Orationem *Barones* qui Coronam ejus sustentant deducunt eam ad solium ubi in sede parata collocatur circumstantibus eam *Baronibus* & Matronis Nobilioribus in oblatione. In pace ferenda, in oblatione penitùs est ordo *Regis* superiùs annotatus observandus.

Notandum quod antequam *Archiepiscopus* dicat, *Pax Domini &c.* debet dicere hanc benedictionem super *Regem*, & super populum. Sic.

Benedicat tibi Dominus, *custodiátque te, & sicut voluit te super populum suum constituere Regem, ita in præsenti sæculo fœlicem, & æternæ fœlicitati tribuat esse consortem. Amen.*

Alia Benedictio.

*Clerum ac populum quem sua voluit opitulatione * tua sanctione congregari, tua dispensatione & tua administratione, per diuturna tempora facias fœliciter gubernari. Amen.*

* Et tua Bochel.

Alia

The Coronation of the French *Queen.*

Alia Benedictio.

Quatenus Divinis monitis parentes adversitatibus omnibus carentes, bonis omnibus exuberantes, tuo ministerio fideli amore obsequentes, & in præsenti sæculo pacis tranquillitate fruantur, & tecum æternorum Civium Consortio potiri mereantur. Amen. Quod ipse parare dignetur cujus regnum & imperium Benedictio *Bochell.* *sine fine permanet in sæcula sæculorum. Amen. Et bene✠dictio* Dei *Omnipotentis Pa✠tris & Fi✠lii & Spiritus ✠sancti vos descendat & maneat semper. Amen.*

Explicit ordo & officium in Consecratione *Regis* & *Reginæ.*

Then follows the Benediction of the Oriflamb, or the holy Standard of *France*, which in *Bochellus* is inserted after the *Secreta* in the same words.

Benedictio Vexilli.

Inclina Domine *aurem tuam ad preces nostræ humilitatis & per interventum beati* Michaelis *Archangeli tui, omniúmque cœlestium virtutum, sed & beatorum Martyrum* Dionysii, Rustici, & Eleutherii *omniúmq; Sanctorum tuorum præsta Nobis auxilium dexteræ tuæ ut sicut benedixisti* Abraham *adversus quinque Reges triumphantem atque* David *Regem in tui nominis laude triumphales congressus exercentem, ita benedicere & sanctificare digneris hoc Vexillum quod ob defensionem Regni & sanctæ Ecclesiæ contra hostilem rabiem defertur, quatenus in nomine tuo fideles & defensores populi* Dei *illud consequentes per virtutem sanctæ Crucis triumphum & victoriam se ex hostibus acquisisse lætentur. Qui cum Patre &c.*

And at the end of this copy of King *Charles*, after his subscription this is added in a later hand, which, because it belongs to the Oriflamb also, follows here.

Ceſt le Serement qui fait le Chevaler a qui le Roy Baille a porter *l'Oriflambe.*

Vous jurez et promettez sur le precieux corps Jesu Christ *sacre cy present et sur le corps de Monsieur St.* Denys, *et ses companions, que cy sont que vous loyaulment en vostre personne tendrez, et governerez* l'Oriflambe *du Roy Monsieur qui cy est, a l'oneur et profit de lui et de son Royaulme, et pour doubte de mort ne d'autre aventure qui puisse avenir*

ne

ne la delairez. Et ferez par tout voſtre devoir comme bon t loyal Chivaler doit feire envers ſon ſouverain et droitu-ier Seignior.

And out of this Ritual of Coronation of the *French* King, hitherto. But for examples alſo of *French* Coronations (which agree not exactly n every thing, neither with this ſo authoriſed by King *Charles*, nor vith that in *Bochellus*; yet may give further light towards a fuller knowing of the Ceremonies uſed in that ſtate) I referr you to *le Ceremonial de France*, collected by *Theodore Godefroy* an Advocate in the Parliament of *Paris*, and printed at *Paris* in 1619. There you have he Coronation of Queen *Claude* firſt wife to *Francis* I. and of *Eianor* of *Auſtria* his ſecond wife; as alſo of King *Henry* II. and his Queen *Catharine de Medicis*, of Queen *Elizabeth* wife to *Charles* X. and alſo of *Henry* IV. which was written by *Monſieur Nichos de Thou* Biſhop of *Chartres* where this *Henry* was crowned. There ; much in theſe examples, that ſhews their Ceremonies, and that hey are ſometimes differing from the Ritual. But they are paricular examples only, and eaſily had in print. Therefore I wholly omit them.

V. The laſt promiſe to be performed in this firſt Part, is that Coollary touching *Precedence* between ſupreme Princes. Nor doth it mproperly belong to the Subject. For, to have Precedence is alſo relative Title of Honour, ariſing from a ſingularity of Dignity found-d in the title added to him that precedes. But I meddle not here vith it in any ſuch courſe as is uſed in the other parts of my diviion. I diſpute not either way of it; much leſs conclude I on any part. Nor have I aſſurance that I might do ſo, but with much more Offence than either Satisfaction or diſcretion. For alſo, the ſtore of Teſtimonies which concern it, is not ſuch that it gives often light enough it all to determine: indeed but very rarely, and in the behalf of ve-y few. For moſt of the Queſtions that have happened about it, have either been diſputed only without end on both ſides by the Embaſſadors, Agents or other ſubjects of each part, or compounded by mediation of ſome common friend, with a proteſtation of a ſaving of future right on each ſide, or ſome ſuch tranſaction limited only to the preſent, whence no reſolution of right can be drawn. And for the moſt part alſo, where Deciſions have been upon it, the Princes againſt whom they ſtand given, have not been ſo ſatisfied, but that upon new occaſion they have, with utter neglect of the Deciſion, revived the queſtion. Nor is it requiſite, in regard meerly of any power in them that decide it, that they ſhould do otherwiſe. For who can be a Judge with coactive power between two ſupreme Princes? Neither befits it, I think, a private man (upon a right, for the maintenance whereof there is uſually ſo much both jealouſie and ambition as well in the Poſſeſſor as Pretender) to take on him the part either of Judge or Advocate with or againſt any of them, otherwiſe than as the Juſtice of a ſupreme command might employ him. I have therefore choſen rather to deſign out only, (as by way of Catalogue) the Treatiſes, Deciſions, chief paſſages, Queſtions, Tranſactions, and what elſe occurrs written of this ſubject, than at all to frame ſo much as any further context of my own out of them. I may ſo,

as

as well deſerve thanks, for the open'd ſtore, from him that would make a curious ſearch in any Queſtion of it, as decline both the danger and envy that might follow my own Concluſions in it. But as with that Title of King which regularly denotes a ſupreme Prince or one that acknowledges no Superiour, we have [a] before joyn'd the ſelf-ſame, as it is found given to ſome ſubordinate Princes; ſo, in the teſtimonies here collected, the examples alſo may be perhaps ſometimes between ſuch Kings as are conceiv'd to be Subordinate. If ſo, yet they fully agree with the ſubject of this firſt part, wherein both kinds of this Dignitie are remember'd. The Deſignation thus follows. Nor is it well capable of other method than only enumeration as the teſtimonies occurr.

[a] *Chap.* 3. §. 1.

I. *Tractatus* De Præcedentia Hominis, *Autore*, *D.* Jo. Baptiſta Leonellio Bartholino *I.C.P. In paterno Perusino Gymnaſio Juris Canonici Profeſſore Ordinario.* It was printed at *Perusia*, 1601. and among divers general queſtions of Precedence in *Quæſt.* 11. *art.* 6. the Authour diſputes, *An Principes differant inter ſe ratione Potentiæ, & quomodo.* But he hath nothing of any particular Prince.

II. *Apologia* Henrici Bebelii *Juſtingenſis Suevi, pro Majeſtate & præcedentia Imperatoris & Imperii Germanorum contra* Leonhartum Juſtinianum. This was written above C. years ſince, and is in *Goldaſtus* his *Politica Imperialia part* 11. *pag.* 586.

III. *Sereniſſimus* Romanorum *Rex*, *&* *Chriſtianiſſimus* Franciæ *Rex*; *uter alterum præcedat*, diſputed by *Antonius Quetta*. It is alſo in *Goldaſtus* his *Politica Imperialia part* 11. *pag.* 596. and written in 1536. And with it ſee *Matthias Stephanus Pomeranus in Synopſi utiliſſimæ Materiæ Juriſdictionis lib.* 2. *part.* 1. *cap.* 2.

IV. Bernardi Zieritzii Brandenburgenſis *de Principum inter ipſos Dignitatis prærogativa Commentatiuncula.* Jenæ 1612.

V. *Reſponſum Oratorum* Caroli IX. Francorum *Regis Die XXI. Maii, A. D.* 1563. *ad Proteſtationem Oratoris* Philippi II. Hiſpaniarum *Regis ſuper præcedentia, quam adſerebat ſibi deberi proximam* Ferdinandi *Romanorum Imperatoris ad Concilium Tridentinum Oratori.* It is printed at the end of that *French* Ceremonial, publiſhed 1619. at Paris by *Theodore Godefroy* an Advocate in the Parlament there.

VI. *Inter Principes* (ſaith Bodin de Republica *lib.* 1. *cap.* 9.) *quædam Dignitatis prærogativa antiquioribus Principibus ac Rebuspublicis deberi videtur, tametſi opibus ac potentia inferiores ſint*, which agrees with that judgment of

Jupiter

Jupiter in *Lucian* between *Hercules* and *Æsculapius*, upon their quarrel of Precedence in Heaven. Εὔγνωμον, says *Jupiter*, προκαλαλίνεσθαι τὸν Ασκλήπιον, ἅτε ὑ πρότερον ἀποθανόντα; *It is reason that* Æsculapius *should have precedence because he died first*, or *came first into Heaven.* And in the same place *Bodin* hath more particulars to this purpose, especially for the Dignity of the French King, to whom he was a subject.

VII. *Raisons & causes de Preseance entre la* France *& l'*Espagne, *prepares par un nommé* Augustin Caranato *Romani pour l'Espagne & traduites d'Italien en François. Ensemble les responses & defenses pour la* France *a chacun d'icelles, Par* N. Vignier *de Bar sur Seine Historiographe du Roy.* This was printed at Paris 1608.

VIII. *De l'excellence des Roys du Royaume de* France *traitant de la Preseance, Primier rang & Prærogatives des Roys de* France *par dessus les autres et des causes d'icelles*, at Paris 1610. The Author is *Hierome Bignon.* And for the *French* Kings place, see *Matthew Paris* his narration of the Feast wherein he entertained our King *Henry* the third, and the King of *Navarre* in 1254. *pag.* 1200. *Edit. Londinensi.*

IX. *John* Ferhault, and *Carolus de Grassaliis* their Treatises of the *Jura et Privilegia Regum Franciæ.*

X. *De dignitate Regum regnorúmq;* Hispaniæ *et honoratiori loco eis seu eorum Legatis à Conciliis ac Romana Sede jure debito, Auctore Doctore* Jacobo Valdesio *in Cancellaria summóq; Prætorio Granatensi auditore Regio, et, in Pinthiana Academia in prima Juris Canonici Cathedra, Jubilo donato.* This was printed at *Granada* 1602.

XI. See the Councel of *Constance* sess. 22. and 26. Where some particulars are for the place of the Embassadors of the King of *England, Castile*, and others, with a protestation also for a general saving of right of Precedence to all that had voice or place there. Such a Protestation also, or Decree to that purpose is in the Councel of *Basil* Sess. 1. in that of *Trent*, and elsewhere. But there was printed at *Lovain* in 1517 *Nobilissima Disputatio super dignitate et magnitudine Regnorum Britannici et Gallici habita ab utriúsque Oratoribus et Legatis in Concilio Constantiensi*, which was in the time of our *Henry* the fifth and *Charles* the sixth of *France.* It was taken out of the Councel of *Constance* remaining in the Church there,

and publiſhed by Sir *Robert Wingfield* Embaſſador from King *Henry VIII.* to the Emperor *Maximilian I.* with whom he being at *Conſtance*, took the opportunity of tranſcribing it. There is alſo an Epiſtle before it to Sir *Robert Wingfield*, written from *Richardus Lepidus Bartholinus*, for the precedence of the Kings of *England*. And ſome Letters Mſs. that concern it, are in that ineſtimable treaſury, Sir *Robert Cotton*'s Library, beſide other good collections of late time for the precedence of *England*. And eſpecially alſo he hath an antient Ms. of the whole Acts of the Councel of *Conſtance*, wherein ſome paſſages are touching their Diſputations which are not in the Printed Councels. Some thing that concerns this Precedence of *England* is tranſcribed out of it by the moſt learned Doctor *Uſher*, Biſhop of *Meth*, in his Epiſtle of the Religion profeſſed by the antient *Iriſh*, *pag.* 95.

XII. A Diſputation in the Councel of *Baſil* between the Embaſſadors of *John* II. of *Caſtile* (*Alonſo Garſia*, a Doctor of the Lawes and Dean of *Compoſtella* and *Segovia*, performing it for the part of *Caſtile*) and the[a] Embaſſadours of *Henry* the Sixth King of *England*, for Precedence, is Ms. with Sir *Robert Cotton*.

[a] Who they were appears in their commiſſion, which is printed in the Notes to *Eadmerus*, pag. 214.

XIII. *Diſcorſo ſopra la precedenza tra Spagna & Francia ms.* in the ſame Library, written by *Auguſto Cavallis* in *Rome* in February 1564. with ſome other particulars of the ſame ſubject. It was touching the controverſie between *France* and *Spain* in the Councel of *Trent*, for which ſee alſo the Hiſtory of that Councel *lib.* 7. *pag.* 663. *lib.* 8. *pag.* 713. & 714. & 727. & *ſeqq.* in Engliſh. And *Thuanus Hiſt. lib.* 32.

XIV. Pope *Julius* II. his giving the Precedence between the Embaſſadors of *England* and *Spain*, is related out of *Volateran* by *Philippus Honorius* in his *Praxis Prudentiæ Politicæ pag.* 76. *Edit.* 1610.

XV. *De Regis Catholici Præſtantia, ejus Regalibus, Juribus & Prærogativis, Commentarii*, Camillo Borello J. C. *Equite aurato & Palatino Comite authore.* This is inſcribed to *Philip* the Third of *Spain*, and printed at *Millain*, 1611.

XVI. For the dignity both of *France* and *Spain* See *Lancelotus Conradus* his *Templum omnium Judicum lib.* 1. *cap.* 2. §. 3. *num.* 12, 13. & *ſeqq.*

XVII. For the Precedence of *France*, ſomething is collected

collected by *Theodore Godefroy* an Advocate of the Parlament of *Paris*, in his notes upon the History of *Charles* VI. written by *Juvenal* Archbishop of *Rheims*. It was printed at *Paris* 1615.

XVIII. Josias Nolden *de statu Nobilium Civili Synopticæ tractationis cap.* 9. *&c.* where after his own opinion, he hath rankt the Emperor and the other Kings of Christendom. *Giessæ*, 1623.

XIX. Upon Pope *Martine* the Fifth's appointing a General Conncel at *Papia*, which was afterward by reason of the plague there, translated to *Sienna*, *Henry* VI. King of *England* and *France*, appoints *de avisamento consilii sui*, the Bishop of *Chichester* (as I think, *Thomas Polden*) and *Bernard de Planhea* Doctor of the Canon Law and Prior of S. *Maries de Solaco* in *Guienne*, to be his Procurators jointly and severally *ad petendum & obtinendum* (as the words are in the first person) *à sanctissimo in Christo Patre Domino* Martino *sacrosanctæ* Romanæ *ac Universalis Ecclesiæ summo Pontifice humilima ac debita cum instantia, aliove sacri proximo futuri Generalis Concilii præsidente quocunque Locum sive Sessionem in eodem Concilio nobis ratione Coronæ nostræ* Franciæ *debitum ac debitam quem & quam progenitores nostri Reges* Franciæ *per se & suos Ambassiatores tenere & occupare consueverunt temporibus retroactis, in & usque adventum Ambassiatorum nostrorum quos ad Concilium ipsum Generale de avisamento consilii nostri prædicti in proximo mittere deliberavimus, Ambassiatoribus ipsis nostro nomine vacuum & vacuam reservari & custodiri: & in eventu qua nobis denegetur (quod nollemus) de jure nostro protestando, & in ea parte appellando, ipsáque protestationem et appellationem debitè prosequendo necnon omnia alia & singula facienda & exercenda quæ in hac parte necessaria fuerint seu quomodolibet opportuna.* It is dated 4. *Maii*, 1 *Hen.* 6. and enrolled *Rot. Franc.* 1 & 2 *Hen.* 6. *membran.* 17.

XX. The rank or Enumeration of Empires and Kingdoms in the Provincials of *Rome*, of which Divers copies are Mss. but not ordinarily agreeing. Some are printed also; but neither do they always agree together. In the *French Sanctio Pragmatica* also with the Gloss of *Cosmas Guimier*, printed at *Paris* 1621. (*pag.* 1066.) there is a rank of the Christian Kingdoms, as I think, out of that Provincial. So in *Simphorianus Champerius Mirabilium Divinorum humanorúmq; vol.* 4. *pag.* 24. *b.* printed at *Lions* 1517.

and in *Petrus Rebuffus* his *Praxis Beneficiorum part.* 3. *pag.* 440. the Provincial is at large with the Christian Kings in it.

XXI. *Bartholomæus Chassanæus* in his *Catalogus Gloriæ Mundi, part.* 5. *conf.* 27, 28, 29, 30, 31, 37, 38. and *part.* 12. *conf.* 56. and 57. disputes of the precedence of all or the most of Christian Kings. And in *part.* 5. *conf.* 29. & 40. of Queens. He hath also a rank of Kingdoms out of the *Roman* Provincial of *Rome*, *part.* 5. *consid.* 31. where he is much deceived with the corrupt editions[a] of the Decretals, while he reckons *A King of Winchester* among them. Indeed *Tancredus Rex Winceſtriæ* occurrs in some copies of the Decretals, which should plainly be *Richardus Rex*[b] *Wisigothorum* as in the best editions it is also corrected. And such gross mistakings are not rare either in the old body or in the unpolisht doctors of that Law.

a *Extr. de Probat. c. 1. ex epistolis.*

b *Patet ex B. Greg. lib. 7 epist.* 122.

XXII. *Simonis Majoli Episcopi Vulturarienſis Dierum Canicularium tom.* 5. *colloq.* 5. *pag.* 1151. *De Dignitatum & Sessionum differentiis*, where divers quotations are to this purpose for divers Kingdoms; and especially that between *Spain* and *France* is more largely handled.

XXIII. In the History of the Councel of *Trent*, is a difference between the Embassadors of *Hungary* and *Portugal*, touching the priority of reading their Kings Letters. For there could be none of place, by reason that the one was Lay and the other Ecclesiastical, and so they sate in several ranks. But the order of time in presenting the Letter was only respected, and not the Dignity of the Prince, and so ended the controversie. *lib.* 6. *fol.* 480. in the *English* Edition.

XXIV. *Excellencias de la Monarchia y reyno de Espanna.* The Author is *Gregorio Lopez Madera*, that was Fiscal Attorney to King *Philip* II. in the Chancery of *Granada*. It was printed in *Valladolid* 1597. Neither is it impertinent here to see *Antonius a Gama* his first Decision.

XXV. *Restaurus Castaldus* an *Italian* Doctor of both Laws in *De Imperatore*. See him in *quæst.* 3. and 18. §. 7. 8. and 9. *quæst.* 53. 66, 67, 68. 94. §. 1.

XXVI. *Antonius Corsetus* Professor of the Canon Laws at *Padua* hath much that conduces to the points of precedence between supreme Princes, in his *de Potestate regia. part.* 3.

XXVII. *Martinus de Carasiis Laudensis* his *Practicabilis*

lis tractatus de Principibus, quæst. 17. &c.

XXVIII. *Nicolaus Boerius* his Treatise *de Ordine & Præcedentia gradnum utriúsque Fori, part.* 1. §. 12. touching the Emperor and the *French* King.

XXIX. *Andreas Tiraquellus* disputes the Question of precedence between two twinns (in case they should succeed in a Kingdom) where the priority of their birth could not be known, as also of other joint-Kings or joint-Emperors; as *Gratian, Valentinian*, and *Theodosius* were. This is in his *De jure Primigeniorum, quæst.* 19.

XXX. The precedence also of the names of several Kingdoms not dependent either on one another or on any other, in the stiles used by Kings that have more than one, is here observable. For, without other regard to dignity, commonly in such cases, that Kingdom is placed first in whose right the instrument is made that hath the stile prefixt to it. As our *Henry* VI. in his Charters given (as King of *France*) wrote himself *Roy de France & d'Engleterre*, as I see in an old transcript of a Charter of that King, dated at *Shene* the XVIII. of January in the XIX year of his reign, whereby he gives to his beloved and faithful Cousin *John, Viscount & Seigneur de Beaumont*, the Vicounty of *Beaumont* in *France*, forfeited to him (as he there saies) by the rebellion of *John* Duke of *Alençon*. The transcript was communicated to me by that most learned and truly worthy Gentleman Mr. *John Beaumont* of *Grace Dieu*. So his Majesty, at this day in Patents that pass the Seal of *Scotland*, is stiled *Scotiæ, Angliæ, &c. Rex*, as he is with us *Angliæ, Scotiæ, &c.* And King *Philip* II. of *Spain*, that by marriage with our Queen *Mary* was also King of *England*, placed, in his stile, *Castile* first, and, after some other of his Kingdoms, *England* and *France* between *Aragon* and *Navarre* thus. *Philippe por la gracia de Dios Rey de Gastella, de Leon, de Aragon, de Inglatierra, de Francia, de Navarra, de Napoles, de Sicilia, &c.* This stile occurrs in his Letters Patents of 16. Decemb. 1557. by which he authorised the Catechism or Summ of Christian Religion that was printed in *Latin, Dutch, French*, and also in *Spanish*, at *Antwerp* the year following, *por mandamiento y autoridad d'el Sereniſſimo Rey d'Espanna, d'Inglatierra, Francia y Napoles*, as the title says. But in his stile with our Queen *Mary* (after by the death of *Charles* V. he was King of *Spain*) *England* was placed first, and *France* after *Spain*, and *Ireland* after *Naples*,

ples, Sicilie, and *Jeruſalem*, thus; *Rex et Regina Angliæ, Hiſpaniarum, Franciæ, Utriuſque Siciliæ, Jeruſalem et Hiberniæ, Fidei defenſores; Archiduces Auſtriæ, Duces Burgundiæ, &c.* while he was Prince of *Spain* only, it being thus, *Rex et Regina Angliæ, Franciæ, Neapolis, Jeruſalem et Hiberniæ, Fidei defenſores, Principes Hiſpaniarum et Siciliæ, &c.*

XXXI. In other caſes alſo we ſee that Precedence hath been purpoſely given upon ſome particular cauſe of the preſent, without any regard to the dignity of ſeveral States or Kingdoms. As when on the XX. of May 1604. *Thomas* Earl of *Dorſet* Lord Treaſurer of *England*, the Earl of *Nottingham* Lord Admiral, the Earls of *Devonſhire* and *Northampton*, and the Lord *Cecil* Principal Secretary were appointed to treat with *Don Juan de Taxis Conde de Villa-Mediana* the *Spaniſh* Ambaſſador, and *Signior Aleſſandro Rovido* a Senator of *Milan* Commiſſioners for the King of *Spain*, and the Count of *Arembergh*, the Preſident *Richardot*, and the Audienicier *Verreyken* authoriſed by the Archdukes, for the concluding of a League between his Majeſty and thoſe Princes; All of them met in the Councel chamber at *Somerſet-houſe*, where *it was thought fit to give the ſaid Commiſſioners* (as the words of the Journal of the treaty are) *the place of the right hand at the Table, in reſpect of the greater honour done to his Majeſty by the ſending of the ſaid Commiſſioners to treate here within this Realm.*

XXXII. It is obſervable, that, to decline the controverſie of place between Great Princes, they are of purpoſe ſo promiſcuouſly ſometimes expreſſed together, that neither Advantage nor Prejudice may thence happen to any of them. As in the League between *England* and *Spain* in 1604. *Art.* 31. the enumeration of ſuch as are comprehended within the League (of the part of his Majeſty of *England*) is ſuch, that after the Emperor, and the free Cities, the Dukes of *Lorrain, Savoy, Brunſwike, Luneburg, Meklenburg*, and ſome other Princes and States of the Empire, the Kings of *France, Poland, Swethland*, and *Danemark* are named with the Duke and Signiory of *Venice*, the Duke of *Holſtein*, and the Great Duke of *Florence*. And in *Art.* 32. the like courſe is held in thoſe that are included on the King of *Spain*'s part.

XXXIII. In the diſcourſes *De Jure Publico, Vol.* 2. *diſcurſ.* 24. *pag.* 723. there is one written by *George Gumpelzhaimer*

haimer a Lawyer of the Empire, *de Regibus*; and in *Sect.* 112. 113. &c. Divers particulars are touching the Precedence of the King of *Romans*, the King of *Boheme*, and other Kings of *Europe*.

XXXIV. *Conference des Prerogatives, d' Ancienneté & de Noblesse de la Monarchie, Roys, Royaumes, & maison Royale de* France, *avec toutes les autres Monarchies, Roys, Royaumes, & Maisons Royales, que sont en l'estendre de nostre Europe*, written by *Claude de Rubis* a Councellor in the Presidial of *Lyon*, and there Printed 1614.

XXXV. *Letters d'un François, sur certain discours faict pour la preseance du Roy d'*Espagne, *&c.* Printed in the first Volume of the *Memoires de la Ligue, pag.* 709.

XXXVI. For the controversie between *France* and *Spain*, see *Pierre Matthieu* in his History of *France, liv.* 1. *Narrat.* 2. §. 7. where he hath the meeting of the Embassadors of both Princes in the Treaty at *Vervins*. And touching the precedence of the Kings of *England*, he hath something *liv.* 7. *narrat.* 1. §. 13. *&c.*

XXXVII. *Onuphrius* towards the end of the life of *Pius IV.* hath a very observable passage touching that of *France* and *Spain*, as also *Cicarella* in the life of *Sixtus Quintus* at the Canonization of S. *Diego*. And there is also an industrious collection made by *Andrew Favin* an Advocate in the Parlament of *Paris* in his *Theatre d' Honneur et de Chevalerie liv.* 2. *pag.* 704. *&c.* where he inserts together divers other Testimonies to the same purpose.

XXXVIII. In this enumeration of such Testimonies as concern the Precedence of supreme Princes, I conceived that a place was due to that Grant of *Piedro I.* King of *Castile* under his great Seale to our King *Edward III.* and the Black-Prince and to the Kings and Princes of *England* their Successours; especially because it was never as yet published, nor so much, as *I* remember, as mentioned in the Stories of either Nation. When King *Piedro* for his cruel Tyranny was thrust out of his Kingdom in the year MCCCLXVI. by his Brother *Henry Conde* of *Trestamara* or *Henry II.* of *Castile*, he fled for succour into *Gascoine* to the Black-Prince being then at *Baion*. The Prince most nobly and magnificently entertained him. The deposed King, as well for a perpetual memory of his own acknowledgment of such singular favour, as for the greatest encrease of honour that he was possibly able out of his best hopes to fancy

for

for the Prince and the Crown of *England*, by Charter under his Great Seale, granted to King *Edward* and the Prince, and to their Heirs and Succeſſours, Kings and Princes of *England*, that whenſoever it ſhould pleaſe them to be in perſon in the Wars with any King of *Caſtile*, againſt any King of *Granada*, or againſt any other Enemy of the Chriſtian Faith, they ſhould have the firſt place in the Vantgard above all other Princes of Chriſtendom, and that although neither of them were there in perſon, yet there ſhould alwaies be provided by the Kings of *Caſtile* and their Succeſſours a Standard of the Arms of *England* to be born in the ſame place. Other Priviledges are in it both to the whole Nation of the *Engliſh*, and to the People of *Guienne*.

PEtrus *Dei gratia* Rex Caſtellæ & Legionis, *omnibus præſentibus pariter & futuris præſentes Literas inſpecturis lecturis & etiam audituris ſalutem, & fidem plenariam eiſdem adhibere. Cum in largitione, donatione, & conceſſione privilegiorum, libertatum, franqueſiarum, ac honorum prærogativa, illis nos liberales et gratioſiores reddere debeamus à quibus multiplicia beneficia et honores nos recognoſcimus recepiſſe; Cumque illuſtriſſimus* Rex Angliæ *et* Edwardus *ejus primogenitus Princeps* Aquitaniæ *et* Walliæ, *Conſanguinei noſtri Nos et Prædeceſſores noſtros Reges* Caſtellæ *retroactis temporibus fuerint favorabiliter proſequuti, et ſpecialiter cum nuper per* Henricum *quondam Comitem de* Treſtamare *qui factà cum quibuſdam ſuis complicibus coadunatione Regna noſtra invaſit, uſurpavit, et etiam occupavit more prædonico, & hoſtili & ea indebitè detinet occupata, de regno in Regnum ac Dominio in Dominium & loco in locum ad mortem Nos eſſet inſequutus, à qua proſequutione per receptationem dicti Domini Principis in terra ſua de Nobis factam fuerimus liberati, & per ipſum ac gentes ſuas confortati, ac honorabiliter recepti, & tractati; Nos memores dicti accepti beneficii & in aliqualem præmiſſorum Recompenſationem & aliàs de noſtra certa ſcientia, ſpeciali dono, ac regia donatione, & poteſtate damus & concedimus, pro Nobis, hæredibus, & ſucceſſoribus noſtris regibus* Caſtellæ *per præſentes, dicto Illuſtriſſimo Regi* Angliæ & Edwardo *ejus primogenito Principi* Aquitaniæ & Walliæ *quod quandocunque idem* Rex, & *ejus primogenitus qui nunc ſunt, aut eorum hæredes, & ſucceſſores Reges* Angliæ, & *eorum primogeniti qui pro tempore fuerint, voluerint venire in propria perſona ad guerram quam Nos habebimus*

bebimus aut hæredes noſtri Reges Caſtellæ *habebunt contra Regem* Granatæ, *aut alios Fidei inimicos, quòd iidem Reges, & eorum primogeniti habeant primum bellum ſive* la delanterre *ante omnes mundi Chriſtianos, & omni tempore, ita tamen quod Nos poſſimus, & hæredes noſtri Reges* Caſtellæ *ſi voluerimus ponere vexilla noſtra in dicto bello pariter cum vexillis Regis* Angliæ *vel ipſius Primogeniti. Item quod ſi contigerit dictos Reges aut eorum Primogenitos ad guerram quam Nos, & hæredes noſtri habebimus contra Regem* Granatæ, *aut alios Fidei inimicos non venire, aut nolle vel non poſſe venire, volumus et concedimus quod unum vexillum de Armis Regis* Angliæ *ſit omni tempore in dicta guerra in primo bello ſive* en la delanterre *honorificè prout decet, noſtris et ſucceſſorum noſtrorum* Caſtellæ *Regum propriis ſumptibus et expenſis. Item quia patria ejuſdem noſtri Conſanguinei plurima damna, et expenſas innumerabiles ſuſtinuit tempore quo ipſe pro noſtro ſuccurſu exercitus ſuos congregabat prout oculis propriis conſpeximus, licet flebiliter gereremus, in recompenſationem præmiſſorum, privilegiamus, volumus, et concedimus quod omnes homines, incolæ, Nobiles, peregrini, cujuſcunque ſtatus, ſexus, vel conditionis exiſtant, Regni, Patriæ, et Dominii* Angliæ, *et principatus* Aquitaniæ *ſint immunes ab omni Pedagio, Leuda, Coſtuma, Maletota, ſeu aliis quibuſcunque impoſitionibus, exactionibus in Regnis noſtris impoſitis ſeu impoſterum imponendis. Ita quod dicti homines dictorum Regni, Patriæ, et Dominii* Angliæ, *et Principatus* Aquitaniæ *tranſeundo, morando, et redeundo per Regna noſtra per mare vel per terram, Coſtumam, Pedagium, Leudam, Maletotam, ſeu quamcunque aliam impoſitionem vel exactionem ſolvere minimè teneantur niſi dicti homines cauſa mercimonii vel pro mercimoniando aliquid emerent. Super quo an cauſa mercimoniandi empta exiſtant necne, per officiarios noſtros et receptorum dictorum pedagiorum ſtare volumus dictorum hominum juramento, de quibus rebus cauſa mercimoniandi emptis non compellantur ſolvere nec aliquid ultra ab eis exigatur quam cæteri mercatores ſolvere conſueverunt. Et juramus ad ſancta Dei Evangelia à Nobis corporaliter manu tacta, et in verbo promittimus Regio conceſſiones, donationes, privilegia prædicta, et omnia et ſingula in præſentibus literis contenta tenere, complere, & inviolabiliter obſervare. In quorum & ſingulorum præmiſſorum teſtimonium, & ad ipſorum majorem firmitatem hiis præſentibus Nos manu propria ſubſcripſimus, & eiſdem Sigillum noſtrum in pendenti duximus apponendum. Volentes, &*

concedentes ac etiam requirentes vos Magiſtrum Johannem de London *publicum auctoritate Apoſtolica Notarium quatinus ad perpetuam omnium & ſingulorum præmiſſorum memoriam vos cum præſentibus teſtibus ſubſcribatis, præſentéſque Literas ſigno veſtro ſolito conſignetis. Datum apud* Liborniam *Dioceſis* Burdegalenſis, *die viceſima tertia menſis Septembris, Anno Domini milleſimo tricenteſimo ſexageſimo ſexto. Præſentibus præcariſſimo conſanguineo noſtro Domino* Johanne *Duce* Lancaſtriæ, *Regis* Angliæ *filio, ac fratre dicti Principis, & Reverendis in Chriſto Patribus Domino* Helia *Archiepiſcopo* Burdegalenſe, *Domino* Bernardo *Epiſcopo* Xanctonen. Johanne *electo* Bathonienſ. & Wellenſ. *Cancellario* Aquitaniæ, Johanne Chandos *Conſtabulario*, *et* Thoma *de* Felton *Seneſcallo* Aquitaniæ, Nigello *de* Loereyn *Camerario*, *dicti Principis*, Baldoyno *de* Frevilla *Seneſcallo* Xanctonen. *et aliis teſtibus ad præmiſſa.*

YO EL REY.

Et ego Johannes *de* London *Clericus* Winton. *Dioceſis publicus autoritate Apoſtolica Notarius, undecima die menſis Februarii, anno Domini ſupradicto, Indictione quinta, pontificatus ſanctiſſimi in Chriſto Patris et Domini noſtri Domini* Urbani, *Divina providentia Papæ quinti anno quinto, infra caſtrum Civitatis* Bajone *in Capella ejuſdem caſtri, unà cum teſtibus infraſcriptis fui præſens quando dictus Dominus Rex* Petrus *præmiſſa omnia et ſingula innovavit, confirmavit, et juramento ſuo vallavit tangendo propriis manibus ſuis ſancta Dei Evangelia, & quando ipſe Rex propria manu ſua ſe ſubſcripſit, méque requiſivit et mandavit ut præſentibus Literis me ſubſcriberem, et ſignum meum apponerem conſuetum. Teſtes qui fuerunt præſentes ad iſta unà mecum ſunt Dominus frater* Martinus *Lupi Magiſter Militiæ Domus de* Alcantara *Ordinis* Ciſtercien. Rogerius *Dominus* de la Wara, Gomecius *dicti Domini Regis Magiſter*, Paulus Gabrielis *Civis* Iſpalen. Johannes Guttern. *Decanus Eccleſiæ* Segobien. *et Magiſter* Robertus Fregand *Notarius*, *Cancellarius Domini Principis* Aquitaniæ *et* Walliæ *ſupradicti.*

Upon

Upon this, the Prince was drawn alſo to aid King *Piedro* in recovery of his Kingdom; but not without a bond from the King that he ſhould diſburſe 550000 Florens, *Cugni de Florentia boni auri & legitimi ponderis*, for paying the Princes Army. And in conſideration alſo of this undertaking, on the ſame day it was agreed between them that the Prince ſhould have the Caſtle of *Vermeo*, *de la Quet*, *Bilbo*, *Biſcay*, and the Caſtle of *Ordialls*, *a tenir perpetuelment a li & a ſes heires & ſucceſſeurs*, *& pur doner la ou luy plerra*, diſcharged of Soveraignty and reſort, and as free as the King held it. All this was alſo confirmed under the Great Seal of *Caſtile*; both the Originals and Duplicates of them remaining with us in [q] *England* to this day, which ſhew alſo that to the Seal the King's Oath was added ſolemnly before the High Altar in the Church of *Burgos*. And through the virtue chiefly of the *Engliſh*, and to their ſingular glory, the Prince ſoon reſtor'd him to his loſt Crown. But after his being thus as well the Maker as the Preſerver of a *Spaniſh* King, in ſtead of Faith with Requital which he juſtly expected, he found nothing more than mere falſhood and ingratitude.

[q] *In Theſ. Regio apud Weſtm. & penes V.C.* Robert Cotton.

XXXIX. The Reaſons for Precedence for the Embaſſadours or Commiſſioners of Queen *Elizabeth* of *England*, before thoſe of the King of *Spain*, at the Treaty of *Bologne*, in 1600. are ſummarily related in *Camden's* continuance of his Annals, under the ſame year.

XL. The Proteſtation of *Charles* IX. of *France*, againſt Pope *Pius* IV. *pro præeminentia ac præceſſione Regis Chriſtianiſſimi ante Regem Catholicum, adverſus Papæ iniquos & impios proceſſus, & nullitatem Concilii Tridentini, facta per Oratores in Concilio Tridentino, Menſe Septembri*, MDLXIII.

is Printed in *Goldastus* his *Constitutiones Imperiales*, *tom.* 3. *pag.* 572.

XLI. Of the Place of the Emperour, of the *French* King and of other Kings in General Councels; *Ludovicus Servinus* in his *Vindiciæ secundum libertatem Ecclesiæ Gallicanæ*, *pag.* 221. as it is Printed in *Goldastus* his Second Tome *de Jurisdictione Imperiali & Regia.*

XLII. Of the Place of the King of *France*, *Michael Rousselll in Historiæ Pontificiæ jurisdictionis lib.* 2. *cap.* 6. §. 1.

Divers other Testimonies of less note concerning Precedence of Emperours and Kings, are remembered in many of these thus designed. And for the wayes of Argument in Cases of Precedence between these Titles; the Laws, Treatises and Passages touching Precedence, at the end of the Second Part, may also be sometimes here useful. And of those great Titles, hitherto.

The End of the First Part.

TITLES OF HONOR.

The Second Part.

CHAP. I.

I. *Of the ſeveral Titles that the* Heir *or* Succeſſour apparant *of the* Empire *hath had ſince the beginning of the* Roman *Monarchy; and firſt of* Princeps Juventutis.

II. *The beginning and continuance of the Title of* Cæſar *by it ſelf, for the* Heir apparant *or* Succeſſour *of the Empire.*

III. *The Creations and Enſigns of the* Cæſars, *that were Succeſſours apparant; and ſomething of their power.*

IV. *Of the Titles or Attributes of* Princeps Juventutis, *and* Nobiliſſimus *given to thoſe* Cæſars.

V. *The ſeveral dignity of a* Nobiliſſimus, *which was beneath a* Cæſar.

VI. *Of the change of this Title of* Cæſar *in the Eaſtern Empire; and of the Titles of* Sebaſtocrator *and* Deſpote *there.*

VII. *The Titles of* King of Italy, King of Germany, *and* King of the Romans, *in the Succeſſours apparant of the Weſtern Empire.*

VIII. *The Titles of* Comes *and* Dux; *and the Ranks of the* Comites *as they are Honorary or Officiary or both in the elder Empire.*

IX. *A form of the Letters of Creation of a* Count of the firſt Ranke *about* D. *year after our Saviour.*

X. *A form of the Letters of Creation of a* Count of the firſt Ranke *that was alſo* Conſiſtorian.

XI. *The*

The Empire.

XI. *The form of the Letters of* Creation *of a* Comes Sacrarum largitionum.
XII. *Of a* Comes Rerum Privatarum.
XIII. *Of a* Comes Patrimonii.
XIV. *Of a* Comes Archiatrorum.
XV. *Of a Count of a Province.*
XVI. *Of the Count of* Syracuſe.
XVII. *Of the Count of* Naples.
XVIII. *Of a Count of the* ſecond rank *for government of Cities.*
XIX. *Of the* Gothique Count *for hearing and determining the cauſes of the* Gothes.
XX. *A form of the Letters that made a* Duke of a Province.
XXI. *Of the Enſigns of* Dukes *and* Counts *of the old Empire; and the Officers that were either under them, or mixt with them, or ſuperiour to them in government. And eſpecially the Garriſons, Enſigns uſed, and Government and Officers imployed in the State of this Iſland of* Britain, *when it had two* Counts *and a* Duke *under the old* Roman *Empire.*
XXII. *The Opinion of ſome that derive the Dignities of* Comes *and* Dux, *out of the old cuſtoms of* Germany.
XXIII. *Of the beginning of* Feuds; *and how the Dignity of* Count *and* Duke *came firſt to be Feudall and Hereditary in the Empire.*
XXIV. *Of* Feudal Dukes *in the Empire, and of the ſpecial number of* Four *in the dignities there.*
XXV. *Of the antient courſe of* Inveſtiture *of* Dukes *and other Princes of the Empire by* Banners; *and of* Scepters *ſometimes uſed in* Feudal Dignities *to Eccleſiaſtical Perſons.*
XXVI. *The form of* Creation *or* Inveſtiture *of* Dukes *inſtituted by Pope* Paul II.
XXVII. *Of* Ducal Enſigns, *eſpecially their* Caps *and* Coronets.
XXVIII. *The form of the Letters of* Creation, *of the firſt* Duke *of* Auſtria.
XXIX. *The form of the Letters of* Creation, *by which* Jacques de Croy *Biſhop of* Cambray, *was made Duke of* Cambray *by* Maximilian *the Firſt, and of thoſe by which* Caſtruccio de Antelmellis *was made Duke of* Luca *by* Frederick *the Third.*
XXX. *The Title of* Archduke; *and the Coronet of the Archduke of* Auſtria.
XXXI. Great Duke; *and the beginning of that in the Dukes of* Florence, *by the Bull of* Pius Quintus, *with the* Ceremonies *uſed at the firſt creation of it.*
XXXII. *Of the ſeveral kinds of* Graves *and* Counts; *and firſt of the* Schlecht Gzaven, *or ſuch as are commonly ſtiled* Graves *or* Counts *without addition.*
XXXIII. *Of Counts* Palatine; *and firſt of the Original of the Title of* Palatine *as it is Feudal.*
XXXIV. *Of the* Feudal *title of* Palatine *in the* French *and* German *Empires.*
XXXV. *Of the Counts* Palatine *of the* Rhine.
XXXVI. *Of the Perſonal Title of* Count Palatine; *And firſt of ſuch as aſſume the Title by reaſon of* XX. *years profeſſion of the Civil Laws.*
XXXVII. *Of ſuch as are created perſonal* Counts Palatine *by Patents. And firſt of the ſingular Title of* Count Palatine *charged with ſervice in the* Lateran *at the Emperour's Coronation at* Rome.
XXXVIII. *Of the Power that makes other perſonal Counts* Palatine *by Patent, with ſo much of a Bull of Pope* Paul III. *as created the Referendaries of the Court of* Rome *into this Title, beſides other*

other particulars of Papal power herein exerciſed. And of the ſeveral Stiles *and* Names *of ſuch* Counts. *The Empire.*

XXXIX. *The Eſtates limited in ſuch Creations.*

XL. *The Various Priviledges uſually inſerted in ſuch Creations, with a whole form of a Patent of creation of ſuch a Count* Palatine *made by* Rodulph II. *And the reſtraints of the Priviledges of ſuch Counts, by the Buls of* Pius IV. *and* V.

XLI. *A Doctour of Philoſophy and Phyſick made by ſuch a* Count Palatine.

XLII. *The ſolemn giving the* Lawrel *to* Poets, *by ſuch a* Count Palatine.

XLIII. *The Original of giving the* Crown *of* Lawrel *to* Poets, *and of the uſe of it in the later Ages.*

XLIV. *Of Publick Notaries made by ſuch* Counts Palatine, *and an example of power delegated by one of them to the Prior of* Wincheſter *to that purpoſe, and ſomething of the eſtimation had of this perſonal Title.*

XLV. *The reaſon of the ſeveral deductions made of Count* Palatine; *and why the* Feudal *Title is derived out of the* French *Empire, and the* Perſonal *out of the old Empire of* Rome.

XLVI. *The Title of* Comes Sacri Imperii *generally given without relation to any Feud or County.*

XLVII. *The Title of Marqueſs,* Marckgrave, *or* Comes Limitaneus.

XLVIII. Landtgrave, *or* Comes Provincialis.

XLIX. Burggrave, *or* Comes Caſtrenſis.

L. Waivod.

LI. *Of* Barons *and their ſeveral names in the Empire, as* Semper-Freyen, Freyheern, Freyen *and ſuch more.*

LII. *Of the Origination of the word* Baron. Bannerheer.

LIII. *The various uſe of the Title of Prince or* Furſt.

LIV. Churfurſt, *or Elector.*

LV. *Of* Capitanei *and* Valvaſores.

LVI. *Of a* Ritter Geſchlagen, *or a* dubbed Knight: *and firſt of the Perſons, by the antient Law, capable of that dignity.*

LVII. *Of the* Priviledges *of ſuch* Knights *in the* Empire.

LVIII. *The* Origination *of ſuch* Knights.

LIX. *The various* Ceremonies *uſed in giving this* Knighthood.

LX. *The Ceremonies uſed at the Knighting of* William *Earl of* Holland, *when he was choſen Emperour.*

LXI. *The form of giving this Order in the* Pontificale Romanum.

LXII. *Of the Perſons that give this dignity.*

LXIII. Armiger *or* Wapener.

LXIV. *Of Titles under Subordinate Princes in the Empire, had by ſubinfeudation or otherwiſe.*

LXV. *A Summary Enumeration of the* States *of the Empire.*

THe Titles appointed for this Second Part, we divide by the Kingdoms wherein they are uſed. And the *Empire*, *England*, *France*, *Scotland*, *Ireland* and *Spain* are the chiefeſt in the frame of that diviſion. We begin with the Empire. And thoſe Titles of *Poland*, *Bohem*, and ſome more adjoyning or intermixt with the Empire, follow by themſelves after thoſe which are under it. By the Titles of the Empire, we mean here ſuch, as being of that kind which is reſerved for

The Empire.

for this Part, have their Creation, or originally had it, either from the Emperours or from the Popes. The Popes exercising [a] Imperial Authority in creating some of them, and the derivation of that Authority from the Emperours, make them both of so like a nature, that we have not reason here to divide them. And such dignities as by subinfeudation, or the like, have their dependance on subordinate Titles, shall be remembred together towards the end of those which are immediate here to the Supreme.

Those Titles of the Empire are **Romischer Konig**, or *King of the Romans*, as it denotes him that is designed for apparant Successour, *Archduke* or **Ertzhertzog**, *Great Duke* or **Grosse-Hertzog**, **Hertzog** or *Duke*, **Grave** or *Count*, *Count Palatine* or **Pfaltzgrave**, **Landtgrave**, **Marckgrave** or *Marquess*, **Burggrave**, *Prince* or **Furst** and **Churfurst** or Elector, **Waivod**, **Frey-heern**, **Herrn** or Baron, **Ritter Geschlagen** or *Knight*, to which may be added that of **Wapener** or *Armiger*, though it be now (I think) out of use in the Empire. And we shall conclude with a Summary enumeration of the States of the Empire, taken from good Authority, wherein some persons are expressed to be equal to some of these titles, and yet bear them not.

[a] *Vide sis Matth. Stephani de Jurisdict. lib. 3. part. 1. cap. 3. §. 60. &c.*

I. From antient time the Heir apparant or Successour designed in the Empire hath been called *King of the Romans*. But this Title since the beginning of that Monarchy hath been diversly varied. It was first *Princeps Juventutis*. Afterward the Name of *Cæsar* expressed him: then was that changed in the Eastern Empire. And in the Western of the *Franks* and *Germans*, *Rex Italiæ*, *Rex Germaniæ*, *Rex Romanorum* or *King of the Romans* were his Titles. That of *Princeps Juventutis* is first found in this sense, in the Attributes of [b] *Caius* and *Lucius* Grandchildren to *Augustus*, and designed for Heirs of the Empire. The Title was antient and, in the free State, denoted the Chief or First of the [c] *Ordo Equestris*, as *Princeps Senatus*, did of the Senate. But *Augustus* took the one to himself, and made the other to be thus given to those his young Grandchildren; so inducing (as by other names of Offices also which he wisely retained) and establishing in *Rome* a new servitude under old Titles. When these two were dead, *Tiberius* was adopted as his Heir, and had the same Title. *Senatus Populúsq; Romanus* (we read in a Coin [d] of that time) *Cæsari Augusti F. Pontifici*, *Consuli designato*, Principi Juventutis. And *Tacitus* [e] of *Nero* the designed Successour of *Claudius*; Cæsar *adulationibus Senatus libens cessit*, *ut vicesimo ætatis anno Consulatum* Nero *iniret*, *atque interim designatus*, *Proconsulare Imperium extra urbem haberet*, *ac* Princeps Juventutis *appellaretur*. Neither are the Coins of *Claudius* his time that followed, without that title given to *Nero*. *Domitian* also and divers others of the following Heirs apparant in the elder times, have it in Monies and Inscriptions. And see more of it, where we speak anon of the Attributes afterward given to the Title of *Cæsar* in the Successours apparant.

[b] *Præter Ancyranum Monimentum apud Lipsium in Auctario, Gruter. Inscrip. pag. 231. Casaubon. in Sueton. lib. 2. Vide Tacit. Annal. 1. & ib. Lipsium num 18. Casaubon. ad Spartian. Ælium Verum, & Gruter. Inscript. pag. 234. Numism. ap. Occonem in Octaviano, &c.*

[c] *Vid. Lipsium Elect. lib. 2. cap. 1. Casaubon. in Spartiani Ælium Verum; Ballinger. de Imperio Romano lib. 5. cap. 7. &c.*

[d] *Occo in Tiberio.*

[e] *Annal. 12.*

II. For afterward, that Title of *Cæsar* as peculiar for this purpose was setled on them; touching which, the *Beginning* and *Continuance* of the use of it in this sence, the *Creation and Ensigns* of the Dignity, and the more *solemn Attributes of Honour* given antiently to it, are especially observable. The Beginning of this was under the Emperour *Adrian*. For whereas the name of *Cæsar* as well before *Nero* (in whom that

that family ended)as afterward was with the title of *Augustus*,used in the stiles of theEmperors,*Adrian* communicated that of *Cæsar* for the singular Dignity of his designed Successor *Ælius Verus*. And he was the first that had it so.And from that example it held long in the Empire.The testimonies of this are without exception in*Spartian* and *Capitolinus*.*Ælius Verus* (saith *Spartian*)was adopted by *Adrian*,and *nihil habet in vita sua memorabile nisi quod tantum* Cæsar *est appellatus,non testamento ut anteà solebat, néq; eo modo quo* Trajanus *est adoptatus, sed eo propè genere quo nostris temporibus à vestra clementia* (he writes this to *Diocletian*) Maximinianus *atq;* Constantius Cæsares *dicti sunt; quasi quidam Principum filii viri & designati* Augustæ *Majestatis Hæredes*. And in another place, *Primus tantum* Cæsaris *nomen accepit adoptione* Adriani *familiæ Principum adscriptus*. So *Capitolinus*[f] speaking of him; *ab* Adriano *adoptatus primus* Cæsar *est dictus & in eadem statione constitutus periit*. Yet I know that some learned men say[g] that *L. Piso* was designed a *Cæsar* by *Galba*, and *Titus Domitian* by *Vespasian*, *Trajan* by *Nerva* and *Hadrian* by *Trajan*, as if without question that name had been the Title of the Apparant Successours before *Hadrian*. And they have, for their warrant, *Sulpitius Severus*, *Zonaras*, *Xiphilin*, and some such more. And it is clear indeed that *Domitian* especially was called *Cæsar* in *Vespasian*'s time, not only by the testimonies of Monies and Inscriptions yet remaining, but also by the stories of *Suetonius*[h] and *Tacitus*[i] in expres words. But notwithstanding all these, I conceive it without question, that the Title of *Cæsar* in this sense[k] appropriated by excellence, as the *Prince of Wales* in *England*, or the *Daulphin* in *France*, to denote the apparant Successour, began in that of *Ælius Verus*. And, of the times before him, touching this Title, thus. While the Family of the *Cæsars* continued, from *Julius* to the end of *Nero*, all that had it were called so only as they were a part of the Stock by blood or adoption, even as those of the Blood Royal in *England*, were antiently named *Plantagenests*. After *Nero*, *Galba* took it[l] to himself with the name of *Augustus*; but at his Designation of *L. Piso* for his Successour, he saies only that, by the example of *Octavian*, he did place him[m] *in proximo sibi fastigio*, and calls him his Successour. *Vitellius* wholly[n] avoyded it in his own stile, using, as in stead of it, *Germanicus*; which only name he liked so well also that he called his young Son by it,when the Child was honoured,by his command, at *Lions*, as his apparant Successour. *Universum exercitum* (saith *Tacitus*) *occurrere infanti filio jubet. Perlatum & paludamento opertum, sinu retinens*, Germanicum *appellavit, cinxitque cunctis fortunæ principalis insignibus*. But *Otho* and *Vespasian* both used the Title of *Cæsar*, and the Sons of *Vespasian*, [o] *Titus* and *Domitian* in their Father's life time. But not otherwise than as Sons, deriving it from their Father, or as when the Families of the first *Cæsars* reigned, *Germanicus*, *Drusus*, and such more did from their Ancestours. As if whosoever were a Son of him that was called *Cæsar Augustus* should have the name of *Cæsar* to denote the honour and blood that such a Father gave him. Neither (as I conceive) is that of *Domitian* his being saluted [p] *Cæsar*, other than only a congratulation, to that purpose, of his Father's being Emperour. The next designed Successour was *Trajan*, whom *Nerva* adopted. That adoption gave him the like right to the name of *Cæsar* (as it was part of his Father's name that had adopted him) as *Titus* and *Domitian* had to it being Sons to *Vespasian*. After *Trajan*, there is not clear testimony enough to prove that

The Empire.

f *In Vero Imp.*

g *Onuph.de Comitiis Imperatoriis cap.3. Bullinger. de Imp.Romano lib.1. cap.4. Vide item Salmas.ad Spartian.pag.62. alios recentiorum. Temerè nimis de Cæsaris nomine pronuntiat Baronius tom.1.An. Christ.33.num. 40.*

h *In Domit. cap.1.*

i *Historiar.3. in extremo.*

k *Casaubon in Notis ad Spartiani Ælium Verum & Rossin Antiq. Rom.lib.7 cap. 13.*

l *Videsis Suet. in Galb. cap.10.& 11.*

m *Tacit. Histor.1.*

n *Sueton.in Vitell.cap.10. Tacit.Histor.2.*

o *Videsis Inscript.quæ Romæ habetur, apud Gruter. pag.244 num. 2.*

p *Tacit.Hist.3. in Extremis. & Sueton.in Domit.cap.1.*

The Empire.

Adrian ſucceeded by any adoption or other deſignation. But, that *Adrian* by the name of *Cæſar*, and as *Cæſar* ſhould ſingularly denote his apparant Succeſſour, adopted *Ælius Verus*, thoſe two Writers *Spartianus* and *Capitolinus*, who lived but about CC years after *Hadrian*, and were well acquainted with the Records of the Empire, make it manifeſt. And for thoſe other Hiſtorians, that ſuppoſe that kind of adoption and deſignation by this name, to be antienter; they deſerve not credit here. They commit that common fault of expreſſing Acts of the elder times in the phraſe of their own age; being all of much later time than either *Spartian* or *Capitolinus*. And though *Xiphilin* in his Epitome of *Dio*, ſay that *Piſo* was made *Cæſar* by *Galba*, *Titus* and *Domitian* by *Veſpaſian*, and expreſly alſo that *Trajan* was created *Cæſar* by *Nerva* in the Senate (ἐν τῇ Σωεδρίῳ Καίσαρα ἀυτὸν ἀπέδειξε, ſaith he, which is his uſual phraſe to this purpoſe) yet, while we obſerve the ſtories of thoſe Emperours before *Trajan* in *Tacitus* and *Suetonius*, and the following times to *Adrian* in the more authentike Authours of the *Roman* ſtory, and find no ſuch matter among them, there is not reaſon enough left why we ſhould believe that *Dio* himſelf (whoſe own Hiſtory of thoſe times is loſt) ever ſaid any ſuch thing, but that his expreſſions of deſigning a Succeſſour generally, were turned by *Xiphilin*, (that lived above [q] DCCC years after *Dio*) into this of deſigning by the name of *Cæſar*. And *Dio* himſelf alſo perhaps was deceived in it. For in his time (he lived under *Alexander Severus*) the deſigned Succeſſour was and had long been called the *Cæſar*, and by that name ordained. So that he alſo, eſpecially being a ſtranger, might erre in miſapplication of a later phraſe to the times which had not uſe of it; a fault not unuſual in ſome of the beſt Writers. The ſame may be juſtly ſaid of *Sulpitius Severus*, *Zonaras*, and ſuch more. Nor is there warrant enough for that of *Aurelius Victor*, where he places the beginning of this diſtinct title of *Cæſar* in *Adrian*'s being adopted by *Trajan*; it being indeed moſt uncertain whether he were at all adopted or deſigned Succeſſour by him. And ſome [r] expreſly deny it.

[q] *Vixit ſub Conſtantino Duce Imp. teſte ipſo in Auguſto.*

[r] *Videſis Epit. Dionis lib. 69.*

Ælius Verus therefore had firſt the name of *Cæſar*, as it ſignifieth the Heir apparant of the Empire. And afterward it ceaſed to be uſed as a name of the Family or blood of the Emperours that aſſumed it and ſo gave it, and it became only honorary; in themſelves joyned with *Auguſtus*; and, in their deſigned Succeſſours, ſingle by it ſelf. So was *Marcus Antoninus* created into the Title of *Cæſar* by *Antoninus Pius*. *Quæſtorem & conſulem ſecum* Pius Marcum *deſignavit*, *&* Cæſaris *appellatione donavit*, ſaith *Capitolinus*. So was *Commodus* honoured by his Father *Marcus Antoninus*. So *Albinus Clodius* by *Commodus* and *Severus* alſo, though he refuſed it from *Commodus*. And *Severus* made his eldeſt Son *Baſſianus*, the *Cæſar* of the Empire, *ut fratrem ſuum* Getam (as *Spartian* ſaies) *ab ſpe Imperii quam ille conceperat, ſubmoveret*; which was afterward confirmed by the Senate, and Imperial Enſigns or Ornaments (*Imperatoria inſignia*, as he calls them) were by Decree allowed him, touching which, more preſently. And the examples are frequent in Monies, Inſcriptions, the Titles of Reſcripts in all the old Codes, and in good Authours of ſtory that ſhew a continuance of this Title until the time of *Alexius Comnenus*. How it was altered into other Names in the Eaſtern and Weſtern Empires, is anon declared when we ſpeak of the Title of *Deſpote*, and of *King of Italy*.

III. The

III. The *Creation* and *Enſigns* belonging to the Title of *Cæſar* were various. They were created ſometimes by the Emperours verbal deſignation, either in Adoption or otherwiſe, as the opportunity of place and time permitted; ſometimes by the Senate, and ſometimes by the Letters and Charters of the Emperours. The memories of their Creations occurr very frequently in ſtory, and with them ſometimes the Enſigns are noted alſo; as the uſe of a Purple Robe, the Purple or Scarlet Tabard, and at length Coronets alſo were given them, not without the holy Office of the Patriarch at their Inveſtitures. That of *Commodus* to *Clodius Albinus* gives good light here for the elder times. Theſe were his Letters by which he [t] gave (or at leaſt offered) the title of *Cæſar* to him, and deſigned alſo his Enſigns or *Cæſarian* Ornaments, which were the ſame that *Verus* had when he was made *Cæſar* by *Adrian*. *The Empire.*

[t] *Capitolin. in Albino. Circa Ann. Chriſti,* CXC.

Imperator Commodus Clodio Albino. *Aliàs ad te publicè de ſucceſſore atque honore tuo miſi: ſed hanc familiarem & domeſticam, omnem (ut vides) manu meâ ſcriptam, Epiſtolam dirigo, qua tibi do facultatem ut, ſi neceſſitas fuerit, ad milites prodeas & tibi* Cæſareum *nomen aſſumas. Audio enim et* Septimium Severum, *et* Nonium Murcum *malè de me apud milites loqui, ut ſibi parent ſtationis Auguſtæ procurationem. Habebis præterea cum id feceris, dandi ſtipendii uſque ad tres aureos liberam poteſtatem: et ſuper hoc ad procuratores meos literas miſi, quas ipſe ſignatas excipies ſigno* Amazoniæ: *et quum opus fuerit, rationalibus dabis, ne te non audiant quum de ærario volueris imperare. Sanè ut tibi* Inſigne *aliquod* Imperialis Majeſtatis *accedat, habebis utendi* coccinei pallii *facultatem me præſente, & ad me, & quum mecum fueris, habiturus &* Purpuram, *ſed ſine* auro: *quia ita & proavus meus* Verus, *qui puer vita functus eſt, ab* Adriano *qui eum adoptavit, accepit.*

Here clearly the Purple Robes without Gold are belonging to the *Cæſars* of thoſe times, being the ſame with the *Imperatoria inſignia*, given to *Baſſianus Cæſar*. And they were called *Imperatoria*, though they were rather and more properly *Cæſariana* only; the *Cæſar* being not *Imperator* as it denoted Supremacy. And his dignity is ſometimes ſtiled *Imperium*, and *Cæſarianum Imperium*. Neither was it meerly titulary and of expectation, but joyned with an eminency of Power, and for the moſt part ſuch as wanted only a fulneſs of equality with the Emperours. And the *Cæſar* was uſually either *Conſul* with the Emperour, or had Conſular or Tribunitian power extraordinary, both which together gave him *Imperium*, or command enough. Hence it is, that *ad Imperii ſocietatem adſciſcere*, and *ad Imperium aſſumere*, or τῆ βασιλικῆ κοινωνίᾳ ἐπιτίθημι κλήρε (as *Euſebius* his words are of *Conſtantine*'s making his *Cæſars*) and ſuch like were phraſes to make a *Cæſar*; there being another kind of taking a Partner to the Empire by making another Emperour that was in every degree equal with the firſt by the name of

The Empire.

Augustus, which began under *Antoninus Philosophus*, that took to himself his Brother *L. Verus* for an equal Partner in the Empire by the name of *Augustus Cæsar* and the Emperour. They two are the *Divi Fratres*, so often occurring in the Text of the Civil Law. And divers after *Antoninus* did the like; sometimes four or five [u] Emperours being together such Partners: as also sometimes two *Cæsars* were ordained of equal dignity by such joint Emperours, and sometimes more by one alone, as in that special example of *Constantine*'s Sons, who were at several times created, and had several parts of the Empire designed them also for their Government, and often were joyned in Rescripts with their Father as other *Cæsars* also were with the Emperours, touching which (beside what is known in *Justinian*'s Code) you may see most especial testimonies in the fragments of those of *Hermogenes* and *Gregory*. But the *Cæsars* though such Partners in Government, were yet unequal in *Dignity* and *Power*, and only in *proximo fastigio collocati*, as *Galba* in *Tacitus* saies of the antient Heirs apparant of the Empire, and they were subject also to be degraded [x] from that title by Imperial authority. The next testimony, most observable here, is that of *Constantius* his making *Julian* (afterward the Apostata Emperour) his *Cæsar*. After the death of *Gallus* that had been *Cæsar* (in whose life also described by *Marcellinus*, the practised power of the *Cæsars* is singularly manifested) *Constantius* was advised by those who grosly flattered him, that, although the Empire were in danger to lose that fair part of it, which is now all *France*, the *Netherlands* and the nearer Parts towards *Italy*, yet his own incomparable fortune and virtue, were rather alone to be trusted with the prevention of that loss than that any other should be joyned with him, especially as a *Cæsar*, because *Gallus* had been such an ill one. *Caveri debere* Cæsaris *nomen replicantes gesta sub* Gallo; as *Marcellinus* his words are. But he persisted notwithstanding in his resolution to make *Julian* (he was Brother to *Gallus*, and Cousin German to *Constantius*) his *Cæsar*, and to that purpose, in his Court at *Millan* commanded those Companies that were near to wait on him, and standing on an Imperial Throne incompassed with Military Ensigns, and holding *Julian* with his right hand, solemnly thus created him.

[u] *Vide deplom. Romani Imp. filiorum ex Joanne Monacho apud Baron. tom. 10. ann. 942.*

[x] *Videsis Lamprid. in Heliogab. alo, ubi de Alexandro ejus Cæsare, & Landulph. Sagac. lib. 23. ubi de Nicephoro Cæsare, & Votiscum in Caro.*

Ann Christi. CCCLVII. Arbetione & Lolliano VIII. Id. Novemb.

Adsistimus apud vos, optimi (so were his words) *Reip. Defensores, causæ communi uno penè omnium spiritu vindicandæ, quam acturus tanquam apud æquos judices succinctiùs edocebo. Post interitum rebellium tyrannorum quos ad hæc tendenda quæ moverunt, rabies egit & furor, velut impiis eorum manibus Romano sanguine parentantes, insultant Barbari Gallias, rupta limitum pace, hac animati fiducia quòd nos per disjunctissimas terras arduæ necessitates adstringunt. Huic igitur malo ultra apposita jam prosepenti, dum patitur tempus, si occurrerit nostri vestríque consulti suffragium, & colla superbarum gentium detumescent, & Imperii fines erunt intacti. Restat ut rerum spem quam gero secundo roboretis effectu.* Julianum *hunc fratrem meum patruelem, ut nostis, verecundia qua nobis ita ut necessitudine charus est rectè spectatum, jam-*

que

que elucentis induſtriæ juvenem, in Cæſaris *adhibere poteſtatem exopto, cœptis, ſi videntur utilia, etiam veſtra conceſſione firmandis.* The Emperor.

As he thus ſeemed to refer it to the Will of them that were preſent, they all with a gentle voice of conſent interrupted him, and he, after he had ſtood ſilent, till they were ſilent alſo, went on with the Creation.

Quia igitur veſtrum quoque favorem adeſſe fremitus indicat lætus, adoleſcens vigoris tranquilli, cujus temperati mores imitandi ſunt potiùs quam prædicandi, ad honorem properatum exurgat, cujus præclaram indolem bonis artibus inſtitutam, hoc ipſo plenè video expoſuiſſe, quod elegi. Ego eum præſente nutu Dei cœleſtis amictu Principari velabo.

At theſe words he put on him the Imperial Robe of Purple (*avitam purpuram*, ſaith *Marcellinus*) and declared him *Cæſar* (which was ſeconded by publick acclamation) and thus they committed to him the care of thoſe Parts of the Empire that were in ſuch danger, and concluded his Oration.

Recepiſti primævus originis tuæ ſplendidum florem, amantiſſime mihi omnium Frater; actâ gloriâ meâ, confiteor, qui juſtius in deferenda ſuperiori poteſtate nobilitati mihi propinquæ, quam ipſa poteſtate, videor eſſe ſublimis. Adeſto igitur laborum periculorúmque particeps, & tutelam miniſterii ſuſcipe Galliarum; *omni beneficentia partes levaturus afflictas; &, ſi hoſtibus congredi ſit neceſſe, fixo gradu conſiſte inter Signiferos ipſos, audendi in tempore conſideratus hortator, pugnantes accendens præeundo cautiſſimè turbatóſque ſubſidiis fulciens, modeſtè increpans deſides, veriſſimus teſtis adfuturus induſtriis & ignavis. Proin, urgente rei magnitudine, perge vir fortis ducturus itidem viros fortes. Aderimus vobis viciſſim amöris robuſta conſtantia, militabimus ſimùl, unà orbem pacatum (Deus modò velit quod oramus) pari moderatione pietatéque recturi. Mecum ubique videberis præſens. Et ego tibi quodcúnque acturo non deero. Ad ſumma mihi propera ſociis omnium votis, velut aſſignatam tibi ab ipſa Repub. ſtationem cura pervigili defenſurus.*

This was preſently confirm'd by an exceeding noiſe that the Soldiers made with ſtriking their ſhields upon their knees; that being by cuſtom their teſtimony of approbation, as on the other ſide, the ſtriking of them againſt their Lances was diſſenting. *Cæſarémq;* (*Marcellinus* his words) *admiratione digna ſuſcipiebant Imperatorii muricis fulgore flagrantem.*

The Empire.

flagrantem. Some of the later *Grecians* (who frequently miſtake) ſay that *Conſtantius* crown'd *Julian*, at this Creation, with a Crown proper to the *Cæſar*, or πῷ τῷ Καίσαρϑ σέφ, as *Manaſſes* calls it; as if a Crown or Coronet had in thoſe times been uſed at ſuch Creations. So he ſays alſo that the Emperour *Juſtin* II. when he made *Tiberius* (afterward *Tiberius* II.) his *Cæſar*, crown'd him with a *Cæſar*'s Crown, or,

——πῷ τῷ Καίσαρϑ κατακοσμῆ στεφάνῳ.

as his words are. But I rather think he is deceived in that of *Julian*. It was not, it ſeems, then come into uſe, to create the *Cæſars* with Coronets; but only with the Purple Robes, as we ſee expreſly in *Theodoſius* the younger his Creation of *Valentinian* into the title of *Cæſar*, by ſending *Helion* his *Magiſter Officiorum* to *Theſſalonica* to him with the Robe, as we read in [y] *Olympiodorus*. But although we find not the uſe of creating a *Cæſar*, with any Crown or Diadem, in any Writer of ſo antient time, yet it is obſervable that *Criſpus* the firſt *Cæſar* to *Conſtantine* the Great, hath a fillet on his head (expreſſing the antient form of a Diadem) in a Coin that thus repreſents him. I conceive alſo that there is not authority enough to juſtifie *Manaſſes*, in that of *Tiberius* II. Good Authors that ſpeak of him mention no Coronet in his Creation. *Manaſſes* indeed uſed the phraſe of his own age (which was but about CCCCXL years ſince) when it was known that from antient time the *Cæſars* had Coronets at their Creations. But he was too careleſs in the diſtinction of times. It appears not in any good Author that any ſuch uſe was until CC years after that *Juſtin* who died in DLXX of our Saviour. There is mention I know of Coronations of Sons [a] under the Emperors *Heraclius* and *Leo Iconomachus* eſpecially, which fall in that ſpace of time; but thoſe were to make them joynt Emperours and *Auguſti*; not to create them *Cæſars*. But afterward in DCCLXVIII. of Chriſt, or the XXVIII. of *Conſtantine Copronymus*, it appears (and there I think it firſt appears by expreſs mention, although perhaps ſome uſe of it might have been before) that the *Cæſars* had Coronets in their Creations. For that Emperor together with his Son *Leo*, whom he had crowned into the dignity of Joint Emperor, when he created his two younger Sons *Chriſtopher* and *Nicephorus* into the title of *Cæſars*, put on them their Purple Robes and their *Cæſarian* Coronets; the Patriarch of *Conſtantinople*, *Nicetas*, performing the holy office of ſolemn prayers at the Creation. So I underſtand that out of [b] *Theophanes*, as we have it in *Latin*, among the Acts of that year of *Copronymus*. *Kal. Aprilis*, are the words, *filios ſuos ex Eudoxia conjuge creatos*, Chriſtopherum *ſcilicet &* Nicephorum, *poſtera die qua ſanctum celebratum eſt Paſcha*, Cæſares *ordinavit*; *Patriarchâ Orationem faciente*, *& Imperatoribus* Chlamydes *&* Cæſareas (or *Cæſaricias*, as it is in *Landulphus Sagax*) *imponentibus* Galeas. Theſe *Cæſareæ Galeæ* were, perhaps ſome cloſe Crowns proper to the *Cæſars*, or Helms with Crowns on them. But that they were ornaments of the head proper for the *Cæſars*, is moſt plain;

y *Apud Phot. in Myriobib. Cod.* 80.

z *Baron. Annal. tom.* 3. *ann.* 324.

a *Vide ſis Chron. Alexandrin. pag.* 880. *Zonaram tom.* 3. *pag.* 67. *Landulph. Sagac. Hiſtor.* 18 *&* 21. *Cedrenum in Heraclio p.* 335. *&c.*

b *Ap. Landulph Sagac Hiſt.* 22 *& Baron. tom.* 9. *ann.* 768.

plain; as it is also that they were some kind of Crowns or Coronets, if we believe *Zonaras*, that says expressly that the *Cæsars* were crowned. πᾶσι μὲν δύο Καίσαρας ἔπρεψε saith he; *he crowned them two* Cæsars. Indeed *Cedrenus* speaking at once of the crowning his Wife *Eudocia* into the title of *Augusta*, and of the making of these *Cæsars*, mentions no Crown or Coronet in their Creation, but only says that Καίσαρας ἐποίησε, τοῦ πατριάρχου ποιήσαντος τὸν εὐχὴν, *he made them* Cæsars, *the Patriarch performing the Solemnity of Prayers*. But *Theophanes* and *Zonaras* together make it as clear that they were crown'd also, as others with them do, that they were made *Cæsars*, which is grosly mistaken by some (c who bear at this time great names especially in the Church Story) while they deliver that these two Sons of this *Constantine* and their youngest brother also *Nicetas* were at that Creation made Emperors, or *Augusti renuntiati*, as their words are, which yet is not more absurd than that of the old Authour of the Chronicle of *Alexandria*, where he says that *Constantine* the Great, Κώνσταντα τὸν υἱὸν αὐτοῦ Αὔγουστον ἀνέδειξε, *declared his Son Constans an Augustus*, or *Supreme Emperor*, when he should have said Καίσαρα or *Cæsar*. But also *Nicetas* the youngest of the three sons of *Copronymus*, was created into a less title than *Cæsar*, which was called a *Nobilissimus*, whereof more presently. And the passage which concerns this *Nicetas* in *Theophanes*, shews also somewhat more of the publick Solemnities which concurred at the Creation of those *Cæsars*, and therefore it deserves place here. *Pari modo* (so it is in *Sagax*) & Nicetæ *novissimo fratri eorum*, Nobilissimo *facto*, *superposuit ei* Chlamydem & auream Coronam, & *ita processerunt*, *jactantibus Imperatoribus Hypatia*, & *Trimissia*, & *Hemissia*, & *Numismata nova usque ad magnam Ecclesiam*. Those *Hypatia* and the rest were monies of that time cast among the people, as the fashion was in such Solemnities. And this form of Creation with the *Purple*, a *Coronet*, and the Solemnities of the Patriarchs holy Office continued down unto the Eastern Empire (for ought I have observed to the contrary) as long as the name of *Cæsar* designed the heir apparant. But whereas the *Cæsar*'s Purple Robe, as it appears, by that to *Albinus*, was to be *sine Auro*; it seems, in the later times it had borders of gold on it. For *Zosimus* speaking of *Dalmatius* one of the *Cæsars* of *Constantine* the Great hath Ἐσθῆτι χρώμενον κοκκοβαφεῖ καὶ φοινικοῦτῳ *he used the Purple with Gold*. But by the way as touching this *Dalmatius* or *Delmatius*, as he is called in the Coins of that time; it is specially considerable, how he was a *Cæsar*, and whether in the same notion as the title then signified a coheir apparant of the Empire. For if not, then in this singular example, *Cæsar* at that time was also another dignity; or at least another kind of the same dignity. That he was a *Cæsar*, is most clear by the testimonies not only of divers of the later *Greeks*, *Paulus Diaconus*, *Orosius* and such more, but of *Zosimus* d also, and of some Coins that stile him so; although *Eusebius* e so particularly speaking of *Constantine*'s three *Cæsars* severally, designed in his *Decennalia*, *Vicennalia*, and *Tricennalia* (being his three sons *Constantinus*, *Constantius*, and *Constans*) expressly excludes all others from that title as it denotes a Successor or heir apparant. *Baronius*, to reconcile these, would have it that he was a *Cæsar* only in title, but not made so for participation of the Empire, as a coheir with the rest. *Tres tantùm*, saith f he, *in successione atq; administratione Imperii creati* Cæsares, *fuerunt*; Constantinus *filius*, *atque ejus fratres* Constantius & Constans.

The Empire.

c *Bzovius in Epit. Baronii.*

d *Vide inf.* §. 6

e *De vita Constant. lib. 4. cap. 40. & Orat. de laudib. Constantini.*

f *Tom. 3. an. Christi 336.*

Delmatius

The Empire.

Delmatius *vero titulo tenus eam dignitatem eſt conſecutus.* But this interpretation no more reconciles, than the bare aſſertion of one part of a contradiction reconciles both. For other Writers (or good part of them) ſay expreſly that he was one of the Succeſſors or coheirs alſo. *Oroſius* directly; *Fuit inter ſucceſſores* Conſtantini & Dalmatius Cæſar. So *Paulus Diaconus*; and *Zoſimus* alſo that he was a kind of Partner of the Empire with *Conſtantine* the ſon. I ſhould have thought rather that he had been made a *Cæſar* only by [g] *Conſtantine*'s laſt Will, which might have ſtood with that of *Euſebius*, whoſe Oration (wherein he chiefly ſpeaks of this) was made in his life time. And in the deſcription of his life (which he hath alſo) the Will might either be unknown or neglected by him, and ſo *Dalmatius*, that way, omitted. Thus I ſhould have rather thought, if the teſtimonies touching the time wherein he was made *Cæſar* were not ſo numerous and conſenting. *Oroſius*, *Paulus Aquilegienſis*, the Author of the Chronicle of *Alexandria*, divers other, place that in the *Tricennalia* of *Conſtantine*, which were ſome three years before his death. But unleſs we give credit to them (being ſuch as might be all deceived from ſome one miſtaking, as it frequently happens) the knot remains ſtill untied, and ſo I muſt leave it. But for the Power and Dignity of a *Cæſar* and his difference from the Emperor by his Crown; this of *Corippus* is obſervable, as it occurrs in *Calinicus* his ſpeech to *Juſtin* II. who was made *Cæſar* by *Juſtinian*.

f *Tom. 3. an. Chriſti* 336.

g *Videſis Sigon. de Occid. Imperio, lib. 5.*

Auguſtum, Juſtine, *genus te Principe dignum*.
Te dominum ſacræ quis non prædixerit aulæ?
Cum magni regeres divina palatia patris
Par extans curis, ſolo Diademate diſpar;
Ordine pro rerum vocitatus [h] *Cura Palatî*,
Diſpoſitu nam Cæſar *eras*, *cum Sceptra teneret*
Fortis adhuc Senior, *Regni tu ſumma regebas*
Conſilio moderata gravi. Nil ille peregit
Te ſine; *magnanimus ſeu fortia bella moveret*,
Fœdera ſeu pacis cum victis victor iniret.

h *Vide infra* §. 83.

And to thoſe elder times is that of Pope *Leo* XV. to be referr'd, where he ſpeaks of *Cæſars*, and other Secular dignities, as of the examples to the diſtinction of Biſhopricks. *Sicut omnis mundana poteſtas* (ſaith [i] he) *his gradibus dignitatum à ſe invicem diſtat, id eſt, ut primus ſit* Auguſtus *vel Imperator, deinde* Cæſares, *deinde Reges, Duces & Comites atq; Tribuni, ita & Eccleſiaſtica dignitas ordinata à ſanctis patribus invenitur.* For theſe I take to be his own words, though he cite ſome antienter Popes for the matter. And although he uſe the preſent tenſe (which to him was about ML. of our Saviour) yet it is clear that the title of *Cæſar* in that Age was not the title of the Heirs apparant of the Weſtern Empire, to which we muſt chiefly referr his expreſſions, as is anon ſhewed.

i *Epiſt. 4. tom. 3, Concil. part. 2. Ed. Bin.* 1618

IV. The more *Solemn Attributes* of Honour uſed as proper to the *Cæſars*, were eſpecially two. That antient title of *Princeps Juventutis*, and *Nobiliſſimus*. *Princeps Juventutis* is uſually given them. In a Silver Coin of *Marcus Antoninus*, his *Cæſar*, *Commodus*, is thus expreſſed. L. AURELIUS COMMODUS CÆS. AUG. FIL.

FIL. GERM. PRINC. JUVENT. So is *Maximus* the *Cæsar* of *Maximinus*, so *Philip* the *Cæsar* of *Philip*, so *Constantine* one of the *Cæsars* of *Constantine* the Great, in the Coins of their times. The like testimonies occurr frequent in old Inscriptions: and [k] sometimes also (after that the name of *Cæsar* was in use for the apparant Successour) the name of *Cæsar* in honorary Inscriptions is omitted, and only *Princeps Juventutis* added with other common titles, as if that enough by it self denoted the *Cæsar*. For *Nobilissimus*; sometimes it is joyn'd with that of *Princeps Juventutis*, sometimes it is alone, as peculiar to that dignity given him. In the Coins of *Constantine* the great. N.C. or NOB. C. or CÆS. is added to his *Cæsars*, for *Nobilissimus Cæsar*. So in those of *Constantius*, that have *Julian's* name. And *Severus* and *Maximinus*, that were *Cæsars* to *Galerius* and *Constantine*, are expressed by NOBB. CC. for *Nobilissimi Cæsares* in [l] the Code. So *Constantius* (or *Constantinus*, as some call him; but *Constantius* is the right name) and *Maximinian* the *Cæsars* of *Diocletian* and *Maximian* the Emperors, were titled also, in Rescripts wherein they joyn'd * with the Emperors, thus; *Imperatores* Diocletianus & Maximinianus AA. & Constantius & Maximinianus *Nobilissimi* Cæsares. And I doubt not but that in those expressions, *Iidem* AA. and CC. which are so frequent in the Codes, for *Iidem Augusti & Cæsares* with relation to those two *Cæsars*, this of *Nobilissimi* is understood for almost as due a title to the *Cæsars*, as *Augusti* to the Emperours. And in an Inscription found in *Cumberland* near *Thoresby*, [m] and there now remaining, *Philip* the *Cæsar* of the Emperour *Philip*, hath it.

The Empire.

k *Videsis Inscript. 8. apud. Gruter. pag. 163. de Alexandro Heliogabali Cæsare.*

l *C. tit. de feriis, Epigraph. l. quoniam.*

* *C. tit. de Furis & facti ignorantial. 5. cum falsa, &c.*

m *Camden in Brigant. pag. 637.*

IMP. CÆS.
M. JUL.
PHILIPPO
PIO FELI
CI
AUG.
ET M. JUL. PHI
LIPPO NOBILIS
SIMO CÆS.
TR. P. COS.

Others also occurring in *Gruter* shew it often, out of whose store, I have taken this one that represents the solemn attributes of dignity given to the *Cæsar*. It was made by *M. Aurelius Valentinianus* Lieutenant of the Eastern part of *Spain*, to the honour of *Carinus Cæsar* to *Carus* the Emperour, and is yet extant at Saint *Annes* in *Taragona*.

VICTORIOSISSIMO
PRINCIPI JUVENTUTIS
M. AUR. CARINO NOBIL.
CÆS. CONS. PRO COS
M. AUR. VALENTINIANUS
V.C. PRÆ. PROVINC. HISP.
CITE. LEGG. AUGG. DEV-
OTUS NUM. MAJES. Q. EJUS.

The Empire.

Here is also *Numen* and *Majestas* attributed to this *Cæsar*, which is very common in Inscriptions made to the Honour of the Emperors, as is [n] before noted. But not so to the *Cæsars*; as neither are *Fortissimus*, *Fœlicissimus*, and such more, which yet are sometimes given to them. And though the Empresses sometimes and their children had this attribute of *Nobilissimæ* and oftentimes also it were put among the Emperors titles, yet it was thus most peculiar to the *Cæsars*; whence also we have that in *Nazarius* his Panegyrick to *Constantine*. *Nobilissimorum* Cæsarum *laudes exequi velle, studium quidem dulce, sed non cura mediocris est.* It was not by chance there given to the *Cæsars*, but out of the judgment of *Nazarius*, that knew how proper it was, and therefore here and elsewhere in the Panegyrick so used it.

n *Pag.* 95.

V. But as out of *Cæsar Augustus* in the Emperors title, *Cæsar* was taken for the heir apparant, and thus stiled *Cæsar Nobilissimus*; so afterward was *Nobilissimus* also singled thence for the Creation of another dignity, as you see in that example of *Nicetas* before cited out of *Theophanes*, with whom *Zonaras* agrees also saying that *Coronymus* τὸν Νικήταν ἔστεψε Νωβελλίσσιμον, *crowned Nicetas into the dignity of a Nobilissimus.* The Crown or Coronet was of Gold, but the fashion appears not. The dignity was next to the *Cæsar*, and a degree, it seems, that gave some expectation of the title of *Cæsar*, as *Cæsar* did of *Augustus* or Emperor. The first mention of it is in *Zosimus*. He says that *Constantine* the Great created *Constantius* and *Annabalianus* into the titles of *Nobilissimi*, and that they had Robes of purple with gold. His words are, speaking of the Emperours *Constans*, *Constantius* and *Constantine* the Sonns of *Constantine* the Great, Σωθῆναι δὲ αὐτοῖς τρόπον τινὰ Δαλμάτιον καῖσαρ ὑπὸ Κωνσταντίνου καταστάθεις· ἔτι δὲ καὶ Κωνσάντιον ἀδελφὸν ὢν αὐτοῦ, καὶ Ἀννιβαλλιανὸν ἐξ ἴσου χρώμενοι κοκκοβαφῆ καὶ περιχύτῳ, τῆς τοῦ λεγομένου ΝΩΒΕΛΙΣΣΙΜΟΥ παρ' αὐτοῦ Κωνσταντίνου τυχόντες ἀξίας, αἰδοῖ τῆς συγγενείας, *That they had in a manner for partners with them in their Empire*, Dalmatius (*whom* Constantine *had created a* Cæsar) *and also* Constantius *his brother and* Annaballianus *that used the Purple Robe with gold, and had by reason of the regard that* Constantine *bare to their blood, received of him the Dignity of a* Nobilissimus. For so it is to be understood; and not as if this *Constantius* and *Annabalianus* had been made *Cæsars* as well as *Dalmatius*, as some have misconceived it. Others are as much deceived, that say *Annabalianus* was made [o] a King by *Constantine*. In the following times we have other examples of this dignity. *Constantine*, that was made Emperor in Great *Britain*, in the time of *Honorius*, having two sons, *Constans* and *Julian*, made *Constans* a *Cæsar*, and at the same time Ἰουλιανὸν χθεσπεσίῳ Νωβελίσσιμον (saith *Olympiodorus*) [p] or created him a *Nobilissimus*. The same Author of *Theodosius* the younger; that first he created *Valentinian* a *Nobilissimus*, and afterward a *Cæsar*. So *Marcellinus Comes*; that *Justin* the first made *Justinian* first a *Nobilissimus*; and after that, created him *Cæsar*. *Anno Regiæ urbis conditæ* (saith he, meaning *Constantinople*) CXCVII. *Justinus Imperator* Justinianum *ex sorore sua Nepotem, jamdudum à se* Nobilissimum *designatum, participem quoq; regni sui successorémq; creavit.* The distance of time between these Creations was about IX years, as it is observed by the learned *Nicolaus Alemannus* [q] who notes also that there was a title of *Protonobilissimus*, which he finds given to *Eumathius* a Greek

§. 3.

o *Chronic. Alexand. p.* 668.

p *Apud. Phot. in Myriobib. Cod.* 80.

q *Not. ad Procop. Hist. Arcan. pag.* 42.

Author

Author of the Loves of *Nysminius* and *Nysminia*. Under *Leo* the son of *Copronymus* there were three that had the title of [q] *Nobilissimi* together; *Nicetas* and *Anthimus* (both created by *Copronymus*) and *Eudoxius* created by this *Leo* being his brother. And *Alexius Comnenus* (afterward Emperor) was made [r] a *Nobilissimus* by the Emperor *Nicephorus Botoniates*. They had also among their so various Titles in the Eastern Empire, besides a *Protonobilissimus*, a πρωτονωβελισιμισπέρατος as if you should say *Primo nobilissimo supremus*, as in the subscription to that case of [s] *Alexius Caphandrites* touching the marrying of two Cousin Germans. *The Empire.*

[q] Landulph. Sagax lib. 23.
[r] Zonaras tom. 3. pag. 221.
[s] Juris Græco Rom. lib. 4. p. 288.

VI. But afterward the title of *Cæsar* no longer denoted the successour apparant either in the Eastern or Western Empire. In the Eastern, when *Alexius Comnenus* the first about MLXXX. had, as he was bound by promise, created his brother in law *Nicephorus Melissenus*, into the title of *Cæsar*, meaning nevertheless that he should not be the successour in the Empire, he created his own brother *Isaacius Comnenus* [t] into the title of *Sebastocrator*, as if you should say *August-Imperator*, and in him made that title second from the Crown, and *Cæsar* third. Ἐπῆρμόσατο (saith *Codinus*) τῷ ἀδελφῷ τὸ τῆς Σεβαστοκράτορος ὄνομα, δίνλεγεν ὁιονεὶ ἐλαζιλέα τοῦτον ποιήσας, καὶ ὑπεβίβασε τοῦτε τὸν Καίσαρα, *He gave his brother the title of* Sebastocrator; *making him as it were a second Emperour, and put the* Cæsar *after him.* To the same purpose the Lady *Anne*, whose corrupted Text may be well supplied by *Codinus*, where he speaks of this. And she also saies that *Alexius* commanded that both the *Sebastocrator* and the *Cæsar* should be publickly crowned, but with such Crowns as were much inferiour to the richness of his own Crown; Οἱ μὲν ἀλλὰ (are her words to the same sense) καὶ στέμμασιν ἐν ταῖς πανδήμοις ἡμέραις αὐτὸς στεφανῶσαι προσέταξε, τότε Σεβαστοκράτορα καὶ τὸν Καίσαρα κατὰ πολὺ διαφερόσῃ τῇ πολυτελείᾳ τοῦ διαδήματος ᾧ αὐτὸς ἐστέφανωτο. But the common opinion is, that afterward the title of *Despote* or ὁ Δεσπότης (which is the same with *Lord*, *Sire*, or *Monsieur*) absolutely spoken, was made proper to the heir apparant, as the name of *The Prince*, by excellence, is with us. For the Emperors brothers, younger sons, and sons in law, and some other Princes are often *Despotes* too, as the younger sons and brothers of Kings and others of less dignity are at this day called Princes. But the *Despote*, they say, by excellence signified the heir apparant there, as *The Prince*, in *England*, The *Monsieur* in *France*, when the heir apparant is a brother, and the like. So that after this of *Despote* came thus into use, *Cæsar* (they say) was a fourth Dignity from the Emperor; *Despote* and *Sebastocrator* being between them. And the beginning of this change of the first dignity after the Emperour into *Despote*, is referred [u] to the time of *Alexius Angelus Comnenus* or *Alexius* II. who reigned about LXXX years after *Alexius* I. and created his son in law *Alexius Palæologus*, that had married his eldest daughter the Lady *Irene*, into this dignity. *Filiam natu grandiorem* (saith *George Phranzes*, as the Latin is; for we have him not publickly in Greek) *Irenem vocabulo, purpurea induere sandalia jussit, quòd illam & cui desponderetur successores & hæredes post obitum suum fore constituisset. Quam cum Alexio Palæologo in matrimonii communionem dedisset, mox eundem ad* Despotatus *honorem extulit.* Others of the Greek writers testifie also, that he was created a *Despote*; and some learned men of this age suppose him the

[t] Anna Comnena pag. 59. Alexiad. 3. Zonar. Tom. 3. fol 234. Glyc. part. 4. & Codinus pag. 7. Edit. Greiseriana cujus Commentar. ad Codin. vide lib. 2. cap. Meurs. in Glossar verb. Δεσπότης. Σεβαστοκρ. &c.

[u] Videsis Pontan. in explic. dignitat. prefix. Protovestiario, pag. 9. & 10 & Fr. Jun. ad Curopalat. pag. 262. In utroq; planè Alexius Comnenus (primus scilicet) in Alexium Anglum Comnenum, ubi de hac re loquuntur, mutari debet. Confusio enim ibi manifesta ab oscitantia sive librariorum sive Autorum, irrepsit.

The Empire.

first that had it in this sense. But for so much as I have observed touching it, the truth seems to be that about the time of the first *Alexius* (under whom those titles of *Sebastocrator*, *Sebastos*, *Panhypersebastos*, [x] and such more began; the name of *Augustus* and *Sebastos*, being but the same, and were so first communicated unto subjects; and that antient title of *Cæsar* so became much less than it was wont to be) the heirs apparant being known chiefly by their nearness of blood, and that Empire being now setled as hereditary, had no such singular name as denoted them only; but were indeed called *Despotes*, no otherwise than as (for example) in the time of our *Edward* III. the Black Prince being Duke of *Cornwal*, might have been called Duke *Edward*. If he had been so, none would have concluded thence that the title of Duke had properly denoted the heir apparant, but it had been only an accidental name to him, which while he bare with the rest of his brothers, might be so vulgarly applied to him; the rest being Dukes, and called so, as well as he. For the title of *Despote* was become a special dignity, communicable to many as Duke is with us, and so was that of *Sebastocrator* also. And *Despotes*, *Sebastocrators*, and *Cæsars*, and *Mega-domestici* and such like were proportionably in regard of distinction as Dukes, Marquesses, Earles, Viscounts and the like with us. *Georgius Acropolites* saith expresly that *Theodorus Lascaris* created *Despotes*, *Sebastocratores*, *Mega-domestici*, and such more. Δεσπότας τε ἀπεβάλετο καὶ Σεβασοκράτορας, μεγάλους τε δομεστίκους, &c. are his words. Where we see plainly that the title of *Despote* was given to divers, as in particular examples also appears in the same Author that says that the Duke of *Venice* was created into the same dignity, by *Baldwin* the first Emperor of *Constantinople*. But therein no thought was of designing a successour. And when *Michael Palæologus* was Lord Protector of *John Lascaris* the son and successour of *Theodore Lascaris*, the State thought it fit, that being in so high a place of Office he should also be honour'd with the highest dignity, and therefore they created him a *Despote*, which was τῆς βασιλείας ἔγγιστα ἀξίωμα or *the next dignity to the Emperors*, as *Nicephorus Gregoras* calls it, not any such title as designed him for a successour, though he afterward most wickedly made himself one. And when this *Michael* was Emperor, his brother *John* was a *Despote*, but without pretence to succession in the Empire. Therefore also when he desired singularly to honor [y] his younger son *Constantine Porphyrogennetus* (whom he held most dear, and would gladly have made his successour, if he could have dispensed with the birthright of *Andronicus* the elder) he made him not a *Despote*, but created him into an innominate dignity that raised him above the Dignity of a *Despote*, and made him next himself and his eldest son *Andronicus*, whom he had taken to himself as a kind of partner in the Empire. So also *Joannes Cantacuzenus* that was Emperor about LX years after, created his eldest son *Matthew* into this innominate dignity, after he had made his yonger *Manuel* and his son in law *Nicephorus Ducas* Despots. *Missa trirem* (so says *Cantacuzenus* himself; his Greek being not published) *in Thessaliam filium* Manuelem *accersit eumq;* Constantinopoli *cum* Nicephoro Duca *genero suo* Despotam *declarat*. Matthæum *seniorem filium nulla dignitate nominatim cohonestat, honore tamen supra* Despotas *effert, nempe ut esset* Imperatori proximus *quem honorem primus Palæologorum Imperator* Michael, *propter filium* Constantinum Porphyrogennetum *invenit, videbatúrq; ea dignitas* Despotarum

x *Anna Porphyrogeneta Alexiados, l. 3. & Georg. Codin. de Offic.*

y *Nicephor. Gregor. lib. 6. Cantacuzen. Hist. 4. cap. 5.*

Deſpotarum *dignitati antecellere*. So that, from the time at leaſt of this *Michael*, although the higheſt nominate dignity under the Emperor were *Deſpote* (which many had at once) yet there was an innominate dignity above it, by which the heir apparant, whether he were created a *Deſpote* or no, was ſolemnly raiſed above all the *Deſpotes*, but having no other ſpecial name for his Dignity, was ſaluted and mentioned for the moſt part only by the name of Deſpote with ſuch attributes ſometimes as the ſtile of the Court had [z] made belong to it. Thence is it that *Andronicus* while he was ſon and heir apparant to that *Michael Palæologus* was ſtiled only [a] *Primogenitus chariſſimi in Chriſto filii noſtri* Machaelis Palæologi *Imperatoris Græcorum illuſtris* in the letters of Pope *Gregory* X. to him. Thence alſo it is that in *Codinus*, the heir apparant is expreſſed generally by the Emperors ſon, or ὁ υἱὸς τῦ Βασιλέως, and the Deſpotes are mentioned by themſelves, as of an inferiour dignity. And whereas *Emanuel Palæologus* had ſix ſons, *John*, *Theodore*, *Conſtantine*, *Andronicus*, *Demetrius* and *Thomas*, of whom *John* firſt ſucceeded in the Empire; all the reſt are called [b] *Deſpotes*, having had the dignity with ſeveral commands beſtowed on them by their Father. And in the life of *John* after he was Emperor (to whom *Conſtantine*, *Theodore* being dead, was next heir) we ſee that the two yongeſt brothers *Demetrius* and *Thomas* had the ſame Titles generally attributed to them. For in the General Councel of *Ferrara*, *Demetrius*, that there accompanied his brother the Emperor, is [c] called ὁ Δεσπότης Κῦρις Δημήτριος or the Deſpote the *Lord Demetrius*, or *Dominus Demetrius* (for ſo Κῦρις is very often interpreted out of the later Greek) and ſo abſolutely ὁ Δεσπότης, *the Deſpotes*. But *Conſtantine* indeed being the next heir, ſtiled himſelf in his letters ſome years before to the General Councel of *Baſil* * Conſtantinus *in Chriſto fidelis De potus Romanorum Palæologus*, where *Romanorum* is added to *Deſpotus*, as in the ſtile of the Emperors of the Eaſt it was to *Imperator*, being made from Ῥωμαίων the Greek of *Romanorum*, which was retain'd in the ſtile of the Eaſtern Emperors as Νέα Ῥώμη or New Rome was for Conſtantinople. And perhaps, Deſpote with this addition of the Romans to it, was affected by him as the fitteſt to expreſs him as heir apparant. But for the communicated uſe of Deſpote alſo; beſide the more obvious teſtimonies of it in the ſtories of that Empire, obſerve the deed of Confirmation made by the yongeſt of thoſe brothers, *Thomas*, to *Demetrius Palæologus Dermocaita* and *Joannes Rhoſata*, of a piece of land in *Patra*, which the elder brother *John*, while he was a *Deſpote* only, had given them. Ἐπεὶ προδεγράψησαν (ſo are the words of the Deed) παρὰ τῦ αὐθέντε μν, τῦ Βασιλέως, τῦ ἀδελφῦ μν, ὅτε τότε Δεσπότε, ὅτε Κύρις Δημήτριος πελαιολόγος Δερμοκαίτης καὶ Κύρις Ἰωάννης ὁ Ῥωσατὴς περὶ τῶν χωρίων τῶν Πατρῶν περὶ βόλδον π, *&c. whereas* Demetrius Palæologus Dermocaital *and* John Rhoſata *were infeoffed by my Lord the Emperor, my brother, while he was* Deſpote, *of a Cloſe in the Territory of* Patra, *&c.* Then he ſubſcribes his name to it in Vermilion (as the faſhion was) thus [d] Θωμᾶς Δεσπότης Πορφυρογέννητος. *The Deſpote Thomas Porphyrogennetus*; where plainly he calls his eldeſt brother that was heir apparant, Deſpote no otherwiſe than as he doth himſelf being youngeſt. This was made ſome few years before this Empire was loſt to the Turks. And *Codinus* makes it moſt fully clear. Οἱ τῦ Βασιλέως φησὶ (ſaith he) Δεσπόται προτίμανται τῶν ἀδελφῶν, καὶ τῶν γαμβρῶν τῦ Βασιλέως, Δεσπότων καὶ αὐτῶν ὄντων, *The Deſpotes that are the Emperor's ſons have precedence of ſuch as are his brothers and ſons in law, although they*

The Empire.

z *Videſis ſup. pag. 97. & Codinum περὶ ὀφφ. cap. 3.*

a *Tom. 3. Concil. part. 2. pag. 746. Ed. 1614. & Laert. Cherub. Bullar. tom. 1. in Greg. 10. Conſtit. 2. pag. 121. Ed. 1617. Romæ.*

b *Apud Zygmalam in Hiſt. Politica, pag. 17. Georg. Protoveſtiar. lib. 2. &c.*

c *Concil. tom. 4. part. 1. pag. 413. & 415. Edit. Bin. 1618.*

* *Ibid. pag. 234*

d *Cruſ. Turcogræc. lib. 4. pag 343. num. 59.*

Circa an. Chr. MCDXL.

The Empire.

they be Despotes also. And speaking of the solemnities antiently used in the Court of *Constantinople* on Christmas day, he says the Emperour stood crowned with his Diadem, having his other Ensigns of Majesty about him, as also did his son ὁ ἐστεμμένος διδίσκεται, *if he were crowned also*, that is, if he were made a partner of the Empire, and so an Emperor with his Father as ofttimes it happened. But if he were not so crowned, he had on his rich veil, (or φυακὶς, as they called it) and on his head a Coronet that is expressed by στέφανος and distinguished from στέμμα which he wore for the Imperial Crown. And he stood so (saith [c] he) that he was seen from the knees upward, ὅτι ἡ Δεσποτῶν τὰ δὲ λοιπὰ ὅτι σωμάτων κρύπτονται, ἀπὸ τῆς σφύθυος καὶ ἄνω φαίνονται. *Or the Despotes were seen only from the rest upward.* These passages shew plainly, that the name of *Despote* taken in any notion whatsoever was not proper only to the heir apparant. Though the Coronet he speaks of were perhaps of no other kind than that of the *Despotes*, whereof more presently. Neither indeed can I think, but that after such innovation of titles, as made the dignities of the Empire almost ridiculous in those strange and affected compounds, the Emperors in the later times were even ashamed to coin any more new words to designe the heir apparant, and therefore were content that he should be called Despote only, not as by a name that distinguished him singularly, but as one who by that title and his Christian name, together with the known honor of his birth-right, was sufficiently designed. But because such an opinion (though it be a mistaking) is, that this title of Despote absolutely spoken did denote the next heir apparant in that Empire, and for that the heir apparant was a Despote too (though not so singled out by that title, but that others had it with him) neither was there any higher dignity that had a name in that State, therefore I add that of a Despote's creation, which was thus in that Empire.

c Ἀεὶ ὀρθιος. cap. 6. §. 40. & videsis cap. 10. §. 6. & 7.

The Emperor sitting on his Throne in his Imperial habit, [f] he that was to be created a Despote, was solemnly led up to him between two Lords of the Court in their Robes and Ornaments of State. He had on a Crimson mantle wrought with Pearl, and Buskins of Crimson and White intermingled, both which the two Lords put upon him at the lower end of the room where the Ceremony was performed. And these were those τὰ ἀξίας δεσποτικῆς σύμβολα, or *the Ornaments of that dignity* mentioned in *Gregoras*, where he speaketh of *Despote John*, that was brother to *Michael Palæologus*. The Emperour standing up, used these words to him, Ἡ βασιλεία μου ποιεῖ σὲ δεσπότην, *My Majesty creates you a Despote*, at which words the *Despote* kissed the Emperor's foot, and upon his rising from the kiss, the Emperor put on his head a rich Coronet which they called *Stemmatogyrion*. It had four arches raised on it, if he that was created were a son; one before, another behind, and of each side one. But if he were a son in law (or, it seems, of any further degree from the Emperor) then it had one only, and that before. And so, with the acclamations of long life, the Creation was dispatched. In like manner were the *Sebastocrators* and *Cæsars* of the later time made, saving that they had not such Coronets; at least, what kind of Coronets they usually had, appears not. But when the Emperor *Cantacuzen* created [g] his wives brothers, *John Asanius* and *Manuel Asanius* into the title of *Sebastocrators*, they had Coro-

f *Codinus de Officiis Constant. cap. 18.*

g *Idem cap. 19.*

Coronets, like to those of a *Despote*, when he was a son in law only. Other dignities that followed the *Sebastocrators*, as the *Panhypersebastus* and the rest had no Coronets, but were [h] distinguished especially by their Caps and Robes. This title of *Despote* hath also been attributed to some Princes of Territories near adjoyning to the [i] Eastern Empire with the addition of the Territory unto it, as *Despote* of *Bulgaria* or *Rascia*, of *Moldavia*, and such more: and the Latin of the time made it *Despotus* from Δεσπότης. And sometimes the same person stiled himself *Despote* and King together. For in the letters of *John Despote* of *Moldavia*, in MDLXII. to *John Zygomalas* chief Advocate of the Church of *Constantinople*, the subscription is [k] Δεσπότης Βασιλεὺς Μολδαβίας or *Despote* King of *Moldavia*.

The Empire.

[h] *Juris Graeco-Rom. lib. 3. p. 186. & de pileis aliisq; excellentiorum dignitatum ornamentis, vide Codinum περὶ ὀφφικίων cap. 3. & 4. & 7. & Gretser. ad eundem, pag. 181.*

[i] *Videsis, praeter Historias, quae obviae sunt, Decretorum Alberti 2. Imper. cap. 21. Leuncl. Pandect. Turcic. & Gretser. ad Codin. l. 2. c. 1.*

[k] *Cruf. Turco-graec. lib. 3. pag. 247.*

VII. After the Western Empire (which is commonly called the Empire transferred from the *Greeks* to the *French*) was setled in *Charles* the Great, the heir or successor apparant of it, had usually the dignity of *King of Italy*. *Romani* (saith Sigebert) *uno omnium consensu* Carolo *Regi Imperatorias laudes acclamant, eumq; per manum Leonis Papae coronant*, Cæsarem & Augustum *appellant*. Pipinum *vero filium ejus* Regem Italiæ *collaudant*; as if they had meant that the title of King of *Italy* should be proper to his son and heir as he was Emperor and not otherwise, although about XX years before this *Pipin* were crowned [l] King of *Italy*, whiles his father was King of *France* only. So after *Pipin*'s death, his son *Bernard* was created King of *Italy* in the same right. So *Lotharius* the son of *Ludovicus Pius*. Afterward when the Empire was transferred to the *Germans* from the *Franks*, *Italy* being full of tumult, the heir apparant was crowned King of *Germany*. *Otho* the Great crown'd his son *Otho* (afterward *Otho* II.) into that title at *Acken*, by the hand of the Archbishop of *Cologne*. And thence the Kingdom of *Germany* and of *Italy* both were taken to belong to the heir apparant or successor. Therefore (after such time as the Empire was become Elective) we see (for example) that *Frederick Barbarossa* procured his son *Henry* (afterward *Henry* VI.) to be chosen into the title of King of *Germany*, and crown'd at *Acken* by *Philip* Archbishop of *Cologne*; and this *Henry*, after he was thus crowned, earnestly endeavoured to get the Crown of *Italy* also, as that which had been ever joyn'd with *Germany*, in all those that had preceded him in the title of King of *Germany*. *Affectabat eximio studio* (saith *Sigonius*) *Italici regni Coronam* Henricus Frederici *filius*, *ut qua omnes affecti fuissent, qui ante se regnum Germaniae obtinuissent*; and afterward he had it, and was crowned by *Lambert* Archbishop of *Millain*. But although in the one place the apparant Successor was thus crown'd into the title of King of *Germany*, and at the other into the name of King of *Italy*, yet, as by a Synonymy, he was called **Romischer Koning**, or *Rex Romanorum*, which was, as at this day it is, the especial title of Dignity of the designed Successor. That name we see taken by him in the great act of state, by which the Cities of *Italy* to this day challenge their best liberties, that *De pace Constantiae*; *Nos* * Fredericus *Imperator & filius noster* Henricus Romanorum Rex, *concedimus vobis, civitatibus locis*, &c. yet also that was before he was crown'd King of *Italy*. The like examples of such as having been chosen for the Successors apparant of the Empire were stiled *Reges Romanorum*, or Kings of the *Romans* in the life of the Emperor, are frequent.

[l] *Regino in Chron. an. 781. Sigon. de regno Italiae, l. 3. &c.*

Circa an. Chr. DCCCCLXI.

An. MCLXX.

* *Sigon. de regno Italiae lib. 14 & in extremo Feudorum.*

There

The Empire.

There have been great disputations about that kind of[u] choice, which are specially remember'd in the *German* stories of *Charles* IV. and V. And the Duke of *Saxonies* opposition to the choice of *Ferdinand* that was made King of the *Romans* under *Charles* V. is specially famous in those stories. But for the Solemnities of choice and coronation; there is a good example in that of *Maximilian* (afterward Emperor of that name the I.) created King of the *Romans* in the life of his father *Frederick* III. which is at large in *Goldastus*[x] with other Treatises concerning this dignity. Touching it also there is enough to be obviously read in the Golden Bull of *Charles* IV. in *Gerlacius Buxtorfius* upon it, in *Onuphrius de Comitiis* and such more.

[u] *Videsis Gerlac. Buxtorf. ad c. 1. Aureæ Bullæ sect. 12. Tob. Paurmeist. de Jurisdict. lib. 2. cap. 2. §. 43. &c.*

[x] *Politic. Imperial part. 1. pag 86. de hac re. vide cum part. 2.*

But although in the elder times, the *Cæsar* being heir or successour apparant were subject to the jurisdiction of the Emperour without question, as it is before noted, and that also after the Empire settled in the West upon *Charles* the great, the King of *Italy* being the designed Successour had no other kind of suprmacy in regard of the Emperour (as it is especially clear in the example of King[y] *Bernard*; who for treason against the Emperour *Ludovicus Pius* was legally condemned to death, and by the Emperor's indulgence suffer'd only the loss of his eyes) yet some good Lawyers of the Empire affirm, that the King of *Romans* chosen in the Emperor's life time, is of so equal power with the Emperor, that he is not subject to his jurisdiction, but that he is *alterum Imperii caput*. And it is true that the King of the *Romans* there was wont to make Edicts as the Emperor, and to write himself **Von Gottes gnaden Romischer Konig zu allen zeiten mehrer des Reichs, in Germanien, zu Hungern, Behem, Dalmatien, Croatien und Sclavonien, &c. Konig**, as *Ferdinand*'s title is under *Charles* the fifth; that is, by the grace of God King of the *Romans*, always *Augustus*, King of *Germany*, of *Hungary*, of *Bohem*, *Dalmatia*, *Croatia* and *Sclavonia*, *&c.* But on the other side, some of their Lawyers also deny that he hath any other power than what is to be exercised in the Emperor's name. I dispute not this here, but referr you rather to *Matthias Stephani* his *Synopsis Materiæ Jurisdict. lib. 2. part. 1. cap. 2. §. 49. & seq. Josias Nolden* his *Synoptica Tractatio de statu Nobilium, cap. 2. §. 34. & seq. Goldastus* his *Politica Imperialia part. 2. Joannes Wolfius* in *Thes. 9. discurs. 30. Juris publici tom. 2. Gerlacius Buxtorfius ad Auream Bullam dissert. Thes. 77. lit. c.* But they who will have his dignity highest, allow yet that he is bound *Imperatoris Majestatem comiter observare*, and not free from the duty of reverence, though (as they say) he be from Jurisdiction.

[y] *Sigon de Regno Italiæ, lib. 4. anno Christ. 818.*

VIII. For those other titles in the Empire; In regard that divers of them originally depend on the antient notions of *Dux* and *Comes* (as they were honorary or officiary, or both in the old Empire) and have been also for the most part Feudal, it is therefore first necessary to shew the Nature and Notion of those names, and also the Nature and Beginning of Feuds, and the Annexing of Dignities to them. For not only those two titles, but the most of the rest, as well in other States as in the Empire, being joyn'd became first Feudal, and afterward again (in some particulars) only Honorary, and in some also have continued feudal to this day.

The name of *Dux* (as it hath been a title of honour, or of soveraignty)

ty) hath had especially two notions. One which signified an absolute supremacy, and differs rather by the mildness of expression than by nature from the supreme title of King; according to that of *Philip* of *Macedon* in *Justin*. *Ita vicit* (saith he) *ut victorem nemo sentiret. Sed nec Regem se Græcis sed* Ducem *appellari jussit.* And in this sense it is sometimes used in the stories of the more barbarous times, for such as were not crowned as Kings, but yet acknowledged no superiour; especially in some parts of *Germany*, and the neighbouring Countries, and that after as well as before the beginning of the *French* Empire. So we see it attributed also to the Emperor of *Russia*, who is oft stiled the Duke of *Russia*, in such a sense as in that of *Martial* speaking of *Domitian*; *Plurima qua summi fulget imago Ducis.* And in the title of the Duke of *Venice* also, it is meerly supreme and not subordinate to any Prince. The other notion of it is as it hath been honorary, officiary, or feudal under a superiour: and in this sense only we consider it in this place together with the title of *Comes*. In the handling of both of them, we first speak of them as they were honorary or officiary before they came to be made feudal in the *Roman* Empire, and next of the nature and beginning of Feuds and of their being annext to Feuds, and so made Feudal. *The Empire.*

The Emperors antiently had about them beside their greatest Officers of State, select attendants of Court, known by the name of *Comites* or *Comites & amici*. They were usually made of such as were *Consular*, *Prætorian*, *Senators*, and sometimes out of men of less dignity, and are stiled *Romanum Collegium* by the Emperor [a] *Valerian* in his Oration to the Senate touching *Macrianus*. *In Contubernium Imperatoriæ Majestatis adsciscere*, is used by *Lampridius* for the making them. And an old Inscription in the Monastery of [b] Saint *Protasio* in *Millan*, thus remembers one of them.

a *Trebellius Pollio in Macriano.*

b *Apud Gruter. pag.* 1100. 5.

C. SENTIO
SEVERO
QUADRATO
C. V. COS
AMICO ET
COMIT. *AUG. N.
JULII FRATRES
MAXIMUS ET
VICTOR

* *Augusti Nostri.*

They waited and assisted the Emperor in his counsels and actions, and they were divided also into their several ranks of dignity. There was a rank of the first dignity, or *primi Ordinis* (as they called it) another of the second or *ordinis secundi*, and another of a third. Testimonies of this division are obvious in both the [c] *Codes*, and especially in *Eusebius* [d] where he speaks of them under *Constantine*. But whence the beginning of them and of this division is to be derived, is not agreed on clear enough among learned men. I think there is sufficient proof that both have their original as antient as about the beginning of the Empire in the *Cæsars*. If *Tiberius* had not such a kind of *Comites & Amici*, and so distinguished them also, I understand not that of *Suetonius* in his life. *Pecuniæ parcus & tenax* (saith he) Comites perigrinationum expeditionúmque *nunquam salario, cibariis tantum, sustentavit:*

c *Justin. lib.* 12. *Theodos. l.* 6

d *De vita Constantini lib.* 4. *cap.* 1.

The Empire.

tavit: una modò liberalitate ex indulgentia vitrici persecutus, cum tribus classibus factis, pro dignitate cujúsque primæ sexcenta sestertia, secundæ quingenta distribuit, ducenta tertiæ; quam non Amicorum *sed* Gratorum *appellabat.* Here are his *Comites* which were plainly those that were near him, and hence are they also divided into three ranks and orders. Only his pleasure was to change the name of *Amici* in the third rank into *Grati.* And the fashion of having Friends and near Followers of several ranks, and that in a professed distinction of them, was in that State before the Empire of the *Cæsars.* *Seneca* referrs the first use of it to *Gracchus* and *Livius Drusus.* They, saith [e] he, *apud nos primum instituerunt segregare turbam suam, & alios in secretum recipere, alios cum pluribus, alios cum universis. Habuerunt itaque isti* amicos primos, *habuerunt &* secundos, *neutros veros.* This use, it seems, transfer'd into those that were near the Emperors, bred the tripartite distinction of those *Comites* and *Amici,* which is denoted in that before cited of *Tiberius* and also in a passage of *Lampridius* in his *Alexander Severus. Moderationis tantæ fuit* (so are the words) *ut nemo unquam ab ejus latere submoveretur, ut omnibus se blandum affabilémque præberet, ut* Amicos *non solùm* primi *ac* secundi *loci sed etiam* inferiores *ægrotantes viseret.* Here *primi ac secundi loci & inferiores,* are the *Comites* of the first, second, and third or lowest rank, which are under the general name of *Amici aut Comites,* understood likewise in that of *Ælius Spartianus,* of *Adrian, Quum judicaret,* saith he, *in consilio habuit non* Amicos *suos aut* Comites *solùm, sed Jurisconsultos & præcipuè* Julium Celsum, Salvium Julianum, Neratium Priscum, *aliósque quos tamen Senatus omnis probasset.* And it is observable that this honorary title of *Amicus Principis,* or friend to the King was so frequent in the Eastern parts, that we may with reason enough believe that it was from thence derived into the *Roman* State. In the Kingdom of the *Jews,* we see it in that of *Chusai* Friend to King *David.* Chusai Arachites *Amicus Regis* [f] is mentioned singularly among the dignities of his Court. The *Ebrew* is רע המלך which signifies as well *Socius* as *Amicus.* The Septuagint have there χωσὶ πρῶτος φίλος τῦ βασιλέως, Chusi *the King's chief friend,* and, in some Copies, more rightly χωσὶ ὁ ἑταῖρος τῦ βασιλέως, Chusai *the* Archite *companion* (Comes) *of the King.* And for the Court of the *Babylonian* Empire; *Erat autem* Daniel *conviva* [g] *regis* (the Greek is συμβιότης τῦ βασιλέως, or *one that lived with the King*) and *honoratus super omnes* Amicos *ejus.* So for the State of *Syria*; under *Antiochus Epiphanes, Lysias* [h] *chose Ptolemy the son of Dorimines, and Nicanor and Gorgias* ἄνδρας δυναλὲς τῶν φίλων τῦ βασιλέως *mighty men of the Kings friends.* So *Aristotle* (saith *Laertius*) συνεβίω Ἀμύντᾳ τῷ Μακεδόνων Βασιλεῖ, ἰατρὸς καὶ φίλος χρεία *lived with* Amyntas *King of* Macedon *as his Physician and Friend.* And divers more such testimonies are in the *Maccabees* and *Josephus* [i], out of which use, it seems, that phrase of *Amicus Dei,* or *the Friend of God* (to express a singular honour had through great favour with Almighty God) came to be [k] attributed to *Abraham.* But for those Counts, or *Amici Principis,* in the *Roman* Empire, *Eusebius* of * *Constantine,* Κομήτων οἱ μὲν πρώτης ταγμαλίας, οἱ δὲ δευτέρας, οἱ δὲ τρίτης ἠξιώθησαν, Counts *were made by him*; *some of the* first rank, *some of the* second, *some of the* third. For so it is to be interpreted, and not as if he had then began the division, by distinguishing his Counts into these ranks. Other passages referr'd to the times before *Constantine,* but not so obvious as those Classick Authours, mention this Dignity. Of the title of Count or Κόμης (as they made it into Greek)

[e] *De Beneficiis, lib. 6. cap. 34.*

[f] *1 Paralip. 27. 33. & 2 Samuel. cap. 15. 37.* vide item *Psalm 38. 11. & 88. 18.*

[g] *Hist. Susanna, seu Danielis cap. 14.*

[h] *1 Maccab. cap. 3. 38.* vide item *cap. 6. 10. & 14. &c.*

[i] *Archæolog. lib. 12. c. 12. & 13. &c.*

[k] *2 Paralip. cap. 41. 8 Judith. cap. 8. 22.* in edit. Latina *& Epist. D. Jacobi cap. 2. 23.* & observa *D. Joann. 15. Comm. 15.*

* *Euseb. de vit. Constantini lib. 4. cap. 34.*

Greek) there is mention in the Rituals of the Greek Church, as of a known dignity under *Diocletian*. Saint *George*, they say, was Κόμης τῳ̃ ἀξίαν, *a Count by* [1] *dignity*, and Κόμης τῆς Πατρικίᾳ ὀνόματι, *a certain Count called* Patricius, is remembred in the life of S. *Artemon* in that Church. *Comites* occurr also in the Decretals of Pope *Anacletus*, *if at least they have credit enough to be thought his. But whereas in the relation of the Martyrdom of S. *Clement* under [m] *Trajan*, we have mention of *Comes officiorum*; doubtless that officiarie dignity was not in use under *Trajan*, nor hath the testimony any truth in that matter. But after *Constantine*, the mention of Counts is more frequent.

The Empire.

[l] *Menæ. die 23 Aprilis, & 24. Martii.*

* *Epist. 2.*

[m] *Acta Martyrii S. Clementis apud Sur. 23. Novemb. ex Metaphrast. & videsis Baronium Annal. Tom 2. ann. 100.*

But of the first rank of Counts, some were stiled *Comites Ordinis primi intra Consistorium*, as being of the neerest Counsellors of State (all of them being Counsellors generally) and thence *Comes Consistorianus* is a Count of the first rank and a Privy Counsellor of that time. For all the *Consistoriani* (it seems) were of the first rank. But not all of the first rank *Consistoriani*. For in Inscriptions of Honor, *Comes Ordinis primi*, & *Comes Ordinis primi intra Consistorium*, occurr sometimes given at once to the same person as titles received at several times. An example of it is [n] in one to *Saturninus Secundus* President of *Guienne*. And because Offices of note were at length bestowed usually among those ranks of Counts (as for example, the great Offices of *Magister sacrarum largitionum*, *rerum privatarum*, *Equitum* sometimes, and the like being of the more eminent Dignity on some of the Counts of the first rank) it came into use also that those Offices were denoted in the Counts by the title of *Comes & Magister* in stead of *Magister*, and sometimes by *Comes* without *Magister*, joyn'd with the other words that signified the office: as we see in *Comes & Magister sacrarum largitionum*, and *Comes sacrarum largitionum*, *Comes & Magister Equitum*, *Comes Domesticorum*, and such more for *Magister sacrarum largitionum*, *Magister Equitum* and *Magister Domesticorum*. Whence it is also that in the Acts of the Council of *Chacedon*, *Flavius Ariovindus Martialis* is so often called *Κόμης καὶ Μάγιστρος τῶν Θείων ὀφικίων, or *Comes & Magister sacrorum officiorum*: and the Emperor's chief Physician or President of the Emperor's Physicians, was known by the name of [o] *Comes Archiatrorum*; because doubtless he was one of those ranks, and it seems of the first, because those that were under him, had sometimes the honour of the first rank or [p] *Comitivam primi ordinis*. And not only some of the greatest Officers, but such as were of much less dignity being taken out of those ranks were stiled *Comites* with the addition of the place, or note of imployment belonging to them. Under the *Comes sacrarum largitionum* of the East, there were (about *Theodosius* II. when the *Notitia* was made subordinate) *Comites Largitionum* in every Dioceses (as they called the Countries that pertained to them) besides *Comites Commerciorum per Orientem & Ægyptum*, *per Mæsiam*, *Scythiam*, *Pontum & Illyricum*, and a *Comes Metallorum per Illyricum*, and a *Comes & Rationalis summarum Ægypti*; with divers other officers by the name of *Procuratores*, *Præfecti*, *Magistri* and such more. So the *Comes Largitionum* of the West had under his rule a *Comes Auri*, a *Comes Vestiarii*, a *Comes Largitionum Italicianorum* and others. The office of the chief *Comes Largitionum*, either in the East or West, was to take care as a Lord Treasurer both of the receiving and issuing of such revenue of the Crown, as consisted not in certainty of demesnes

* *Act. 1. pag. 115. & c. Tom. 2. Concil. part. 1. Edit. Par. 1618.*

[o] *Videsis Marcurial. var lect. lib. 4. cap. 1.*

[p] *C. de Archiatr. & Com. Sac. Palat. l. Unic.*

The Empire.

and rent or in confiscations, which were under the care of the *Comes rerum Privatarum*, both in the East and West. And in the West he had under him *Comites* also, as *Comes largitionum Privatarum*, and *Comes Patrimonii Ghildoniaci*. So the *Comes Formarum*, *Comes Riparum & Alvei Tiberis & Cloacarum*, and *Comes Portus* were among other subordinate Officers to the *Præfectus Urbis*. And in the Eastern government there were beside a *Comes Orientis* (who was for civil affairs as a *Vicarius* or Lieutenant, yet made by the Emperor, under the *Præfectus Prætorio* of the East) *Comes Ægypti* and *Comes Isauriæ*, also other *Comites* of less note, as in the Western *Comes Italiæ*, *Comes Africæ*, *Comes Tingitaniæ*, *Comes tractus Argentoratensis*, *Comes Britanniarum*, *Comes littoris Saxonici per Britannias*. And other like were in the Empire, which had military forces committed to them for the government and retaining of the places whither they were sent in like sort as others had that are called *Duces*, both in the *Notitia* and in the Codes. And divers also of the second rank had the government of Cities only, as is anon seen in the examples of their letters of creation or commissions, whence it is that in *Hesychius*, Κόμης is interpreted by ἄρχων which is a Governour or President, because they that were *Comites* had some power of government so frequently committed to them. But there is not more clear testimony of the use of this Title so begun in the Court (as is before shewed) and afterward carried with the *Comites* into what imployment soever they were sent, than in divers Councels of the Primitive times. For the Emperors sometimes, especially after that they found so much distraction and tumult among the factions bred by the Heretical parts of the time, sent to the Councels for preservation of the peace, some that were Counts with competent forces, that sometimes were indeed rather a terror against the truth, than a defence of it. And in the acts of the Councels these *Counts* are often stiled only so, as if that office had been proper to none, but them that were Counts; the name indeed being retain'd by them in that imployment no otherwise than in those other offices given to Counts. In the Councel of *Tyrus* held against *Athanasius*, there was such a Count, as *Athanasius* himself * witnesseth, though he complain'd of it, as against what was contrary to the liberty due to a Councel. This Count was *Flavius Dionysius*, who yet is called only *Consularis* or ἀπὸ ὑπατικῶν (because he had that dignity also) in the [q] letters of commission of *Constantine* the Great, by which he was sent to the Councel. But ofttimes in *Athanasius*, *Comes*. And by Pope *Julius* the first, [r] *Dionysius qui in ea Synodo Comes erat.* And in letters of the Councel of *Alexandria* [t] touching the same matter, *Quâ fronte talem conventum Synodum appellare audent cui Comes præsedit?* Thence is that of *Osius* in his letters to *Constantius*, [t] about the Councel of *Sardica*; *Omitte & tu violentiam tuam, nec literas scribe, nec Comites mitte, sed relegatos exiliis libera.* And in the acts of the general Councel of *Ephesus*, *Candidianus* is mentioned most frequently with the title of Count. But it appears indeed also that he was *Comes Domesticorum*; and by that title he was sent thither for the preservation of peace and order. *Irenæus*, *Joannes* and *Dionysius* by the title of *Comites* are mentioned [u] there also. And in the acts of the Councel of *Chalcedon* (where the mention of Counts is enough obvious) says *Dioscorus* [x] σήσιν μοι κινεῖτε; ἦλθε τοὺς Κόμητας. *Are ye seditious? let the Counts come*: and afterward Εἰσῆλθον οἱ Κόμητες, *the Counts came in*, &c. where such are denoted as were sent from the Court to the Councel, and

* *Apolog.* 2.

q *Euseb. de vita Constantini lib.* 4. *cap.* 42. *De eo vide plura apud Baronium tom.* 3. *ann* 335.

r *Epist.* 4.

s *Apud Athanas. Apolog.* 2.

t *Apud eundem in Epist. ad solit. vit. agentes.*

u *Concil. Ephesin. part.* 1. *pag.* 148. *Edit. Elz.* 1618. *& pag.* 167. 266, 267. 277. 291. *&c.*

x *Concil. Chalced. act.* 1. *p.* 118. *Edit. Elz.* 1618 *Tom.* 2 *part.* 1.

and were Counts though ſome of them had other offices alſo of higher dignity than the title of Count. But that was the moſt comprehenſive and uſual name. Who they were may be ſeen eſpecially in the beginning of the firſt, ſecond, fourth and ſixth Actions of that Councel. *The Empire.*

And whereas the Lieutenants or Preſidents of Provinces or Frontiers (under the *Magiſtri præſentales militum*) were called *Duces*, yet if they were receiv'd into the honour of any of thoſe ranks, they were, in the time that *Comes* came to be thus frequent, rather expreſſed by the name of *Comites* joyn'd with their Provinces. And ſuch Lieutenants or Preſidents were (it ſeems) commonly Counts of the firſt rank, if Counts at all; and are called generally in the Laws, *Comites* [y] *per Provincias, & qui ſub* [z] *Comitivæ primi Ordinis dignitate peculiariter ad quamlibet Provinciam vel Provincias defendendas, milite credito, autoritate Imperatorii nominis deſtinabantur.* But divers of the Preſidents or Lieutenants that were not Counts retained the name of *Duces*; as *Scythici limitis Dux, Rhetici limitis Dux, Tranſrhenani limitis Dux, Britanniæ Dux, & Dux Syriæ.* And ſometimes the Counts that were made *Duces*, had their name of Count and *Dux* kept together, as in that of *Dux & Comes rei militaris Iſauriæ* in the *Notitia Dignitatum*, where although *Pancirollus* thinks [a] the reading is corrupted, and that *Dux* and *Comes* ſhould not concurr for the title of the ſame man, with relation to the ſame thing, yet I am perſwaded that the Copies are therein true and right enough, becauſe I ſee both the titles alſo in an Inſcription that mentions the *Comes Iſauriæ*, by the name of *Comes Ordinis primi Iſauriæ Dux.* It is ſomewhere at *Rome* thus.

y *C. de offic. rect. prov. l. juſtiſſimos* 3.
z *C. de Comit. rei milit. & conſulas Novell.* 27. *de Comite Iſauriæ.*
a *Vide eum in Notit. utr. c.* 1. *& ad Notit. Orient. c.* 142.

ÆMILIÆ
ANDRONICENIS C. ET SPECT.
F. NEPTIS URBIS PRÆFECTI FI
LIÆ COMITIS AFRIC. NURUS
COMITIS ORD. PRIM. ISAURIÆ
DUCIS CONJUGIS COMITIS SA
CRARUM LARGITIONUM
INLUSTRIS.

This Inſcription I the rather alſo inſert here, becauſe it hath ſuch examples of thoſe kinds of Counts that had employments, as *Comes Africæ* for a Count of a Province, *Comes Ordinis primi Dux Iſauriæ* for one that being of the firſt rank was made *Dux Iſauriæ*, and *Comes ſacrarum largitionum* for that Office as it was *Palatine.* And as *Dux* and *Comes* were ſometimes ſo retain'd together, ſo alſo *Magiſter* with *Comes*, as in *Comes & Magiſter Equitum Galliarum* in the *Notitia*; and *Præſes* with *Dux*, as *Dux & Præſes Mauritaniæ*, and the like. And for that of *Dux & Comes Iſauriæ*; obſerve but this in *Marcellinus* under *Conſtantius* and *Julian.* *Ad* [b] *Iſauros vi vel ratione ſedandos, Lauritius adjecta Comitis dignitate miſſus eſt rector.* Yet the ſame *Lauritius* is called στρατιώτων ἡγέμων, or *Dux militum* in [c] *Socrates.* Clearly he was juſtly to be ſtiled *Dux* and *Comes* or *Comes & Dux rei Militaris* or *Militum in Iſauria.* But as before ſo great acceſſion of Offices in Court or Provinces to the name of *Comes*, they which were *Conſiſtoriani* or *intra Conſiſtorium*, were by that title diſtinguiſhed from the reſt of their rank, ſo after that acceſſion, ſuch as were only *Comites honorarii* (or

b *Hiſt.* 19.
c *Hiſt. Eccleſiaſt. lib.* 2. *cap.* 31. *& videſis Baronium Annal. Tom.* 3. *an.* 359. *ubi de Concilio Seleucienſi.*

vacantes

The Empire.

vacantes and ἄζωσοι, as they called them) and without any particular imployment, and had the name for a meer character of dignity in them, were, for a distinction from such as were *Comites Provinciarum* or otherwise imploy'd in some special service, called *Comites intra Palatium*, or *Comites Palatini* only; as if you should say, Counts of the Court. And this title after publick imployment well discharg'd abroad by one that was before *Comes Ordinis primi*, was valued as a Title of such dignity by it self, that it was sometimes iterated in the Inscriptions of Honour by *Iterum Comes Ordinis primi intra Palatium*, as we see especially in that to [d] the honour of *L. Aradius Valerius Proculus*, where after the enumeration of divers Offices of State in him, his Title goes on with

d *Romæ apud Gruter. pag. 361. 1. & 363. 2. & vide eundem pag. 1094. 6.*

COMITI ORDINIS SECUNDI
COMITI ORDINIS PRIMI.

and then, some other Offices of publick employment being interposed;

PERFUNCTO OFFICIO PRÆ
FECTURÆ PRÆTORIO, COMITI
ITERUM ORDINIS PRIMI IN-
TRA PALATIUM, &c.

And those of this kind being *Comites vacantes*, but such as *post probatos labores in Palatio Comites esse meruerant*, were of greater dignity than any that were only rais'd by favour or merit to the first rank of *Comitiva vacans*, or the *cingulum otiosum*, which was the general name of the dignity not only of such as were *Comites intra Palatium* (though of the first rank) but also of them that were *intra Consistorium*, if they had no other particular imployment. For both were reputed *vacantes* and honorary. But those *probati labores* (in the time of *Theodosius* and *Honorius* who made that Law) were such imployments as were eminent in the Court or State. For besides these several sorts of Counts, there were also some that had a dignity of *Comitiva Ordinis primi* and the title of *Comites Ordinis primi diversarum artium* (which was given them as an honorary reward, *ob vulgaris cujuslibet artis obsequium*, or *operis publici curam temporalem injunctam*, or *rerum publicarum levem curam commissam*, as the words are in another Law [e] of *Honorius* and *Theodosius*, which was not received into *Justinian's* Code, as neither was that other of theirs) all which expres but some service of slight nature. And although their title were with relation to their service, *Ordinis primi*, yet they were of less dignity than any other Counts that were *Ordinis primi vacantes* or meerly honorary. For regularly all *Vacantes Comites* of those times, had the honorary attribute of *Spectabilis*, and if they were in any of the great Offices, as *Sacrarum largitionum*, *Rerum privatarum*, or the like, they were to be stiled *Illustres*. But these *Comites vulgarium artium*, were but of equal dignity to the *Consulares* of Provinces which had but the title of *Clarissimus*, that was next beneath *Spectabilis*. But of those honorary attributes, and the places belonging to every of them in the lists of the state of that time, more largely towards the end of this Part.

e *C. Theodos. lib. 6. tit. 18. & videsis Claud. Salmas. in Trebel. Poll. p. 307.*

f *C. Theodos. lib. 6. tit. 20.*

IX. Other

The Empire.

IX. Other teſtimonies, that concern thoſe two Titles of *Dux* and *Comes* in the old Empire, are very obvious in the Codes both of *Theodoſius* and *Juſtinian*, as alſo in the *Notitia*. But for further light to them we add here ſome ſuch forms of Creation of them in thoſe ages, as time hath permitted to poſterity, as alſo an example or two of their Enſigns, and of the Officers of government under them.

It is true that in the memories that immediately belong to the Empire, the forms of their Creation appear not. But in *Caſſiodor* that was *Chancellor* to *Theodorick* King of *Italy*, there are ſuch as we have juſt reaſon to take for no other than thoſe of the Empire or ſo like them, that from the knowledge of the one the other may be known alſo. For *Caſſiodor* was bred up in the learning of the *Romans*, although both himſelf and his King were *Goths*: and it is clear that the *Gothick* Court in *Italy* then imitated the *Roman* courſes of government, which they had found in that part of the Empire. And for the matter or, as we call it, the body of the Letters Patents or *Codicilli*, (ſo they called the Letters, and when the dignity was only honorary, *Codicilli Vacantes*) they were uſually the ſame, I think, as *Caſſiodor* hath. Although for the preambles, circumſtantial fancies and cadencies of language, which were in that age much affected, they were varied before *Caſſiodor*'s time, perhaps, as often as there were new draughts of them. *Caſſiodor* himſelf ſeems to affirm as much, where he ſays, that for the help of others, and to ſave them from the trouble that he was put unto in making ſudden draughts, he collected thoſe forms, and therefore it ſeems, meant that they ſhould remain as conſtant examples for future times. *Illud autem* (ſaith [c] he) *ſuſtinere alios paſſi non ſumus, quod nos frequenter incurrimus in honoribus dandis; impolitas & præcipites dictiones; quæ ſic poſcuntur ad ſubitum ut vix vel ſcribi poſſe putentur vel videantur. Cunctarum itaq; dignitatum ſexto & ſeptimo libris Formulas comprehendi, ut & mihi quamvis ſerò proſpicerem & ſequentibus in anguſto tempore ſubvenirem.*

[c] *In præfat. ad lib. variarum.*

Out of theſe therefore we ſhall take ſome ſuch of the Creations of Counts or giving the *Comitiva* firſt, and then of the *Ducatus* of that time, as may give moſt light to the nature of them. They are of about D years after our Saviour.

The Letters Patents of making an ordinary Count of the firſt rank meerly vacant.

SI honor frequenter defertur otioſis: ſi interdum aut nobilitas eligitur, aut ad promerendum aliquid perſonæ tantum gratia ſuffragatur: quo ſtudio remunerandi ſunt, qui ad agonis ſui præmia pervenerunt? Conſiderandum, quali labore ſervitum eſt, & ſic de remuneratione cogitandum. Harum quippe rerum menſura de contrario venit: dum tale obedientibus dari debet donum quale indevotis potuit eſſe periculum. Grandia ſunt, quæ ſuſtinent excubantes perſonas, contumaces ad parendum cogunt, latentes in cubilibus ſuis prudenti ſagacitate veſtigant, ſuperbis modeſtiam æqualitatis imponunt. Ita quod à judicibus breviter dicitur,

The Empire.

dicitur, ab ipsis efficacia famulante completur. Notum est quæ pericula sustineant, cum ad causas mittuntur alienas. Si segnius agat, petitor quæritur, si districtè, pulsatus vociferatur. Sic inter utrumq; diversum rara laus est invenisse præconium. Dignitatum pace dicamus, facilius est laudatum judicem reperire, quam militem injuncta sine offensione complere. Aliud est enim tantum dicere legitima, aliud ad terminum deduxisse justitiam. Laudabiliter quidem bonum dicitur, sed multò glorioſius statuta complentur. Verba tantum diriguntur à præsulibus, à militibus autem postulatur effectus. Post omnia periculis subduntur, si constricti aliquid verisimile conqueratur. Frequenter nocuit aliis ipsa quoq; integritas actionis. Nam multos, quos in executione contristari nisi sunt, ipsos postea impensos judices pertulerunt. Offendunt enim frequenter ignari, quibus sunt postea parituri: & dum causis alienis fidem custodiunt, interdum pericula propriæ salutis incurrunt. Verum inter hæc militem evasisse laudatum, nonne juste videtur esse miraculum? Talibus igitur meritis vicissitudo reddenda est, ut nimio labore torpentes indictis compensationibus excitemus. Utere igitur confidenter quicquid veteranis munificentia jura tribuerunt, nulli sordido subjiciendus oneri, qui te purissima conversatione tractasti. Comitivam *quoq; tibi* primi Ordinis, *quam tali militia perfunctis cana deputavit Antiquitas, secundum statuta divalia vindicabis. Hæc quidem priscorum beneficio consequeris, sed nostri nominis contra inciviles impetus, & conventionalia detrimenta, perenni tuitione vallaris. Ut officium quod nostris jussionibus speciali solicitudine famulatum est, amplius aliquid à militibus cæteris promereri potuisse videatur. Mulcta quoq; tot librarum auri percellendum esse censemus, si quis statuta nostra qualibet crediderit occasione violanda. Nec tamen aliquid contra te valere permittimus quod dolosa fuerit machinatione tentatum.*

But, I know not well why, this is titled in *Cassiodor*, with *Formula Magistri Scrinii & Comitivæ primi Ordinis quæ danda est Comiciaco quando permilitat.*

X. The form of Letters Patents of making a Count of the first rank that was also *Consistorian.*

MAgnum quidem multis & inter vices videtur esse geniatum, publicæ utilitati probis actionibus occupari. Sed quanto fœliciùs honorem splendidum sumere & cogitationum molestias non habere? Interdum enim assidui labores etiam ipsas ingratas faciunt dignitates; dum imbecilitas humana citò solet

sustinere

ſuſtinere faſtidia, & quod prius ambiſſe creditur poſteà vitare The Enz-
velle ſentitur. Sed hoc multò præſtantius adeſſe conſpectibus Re- pire.
giis & abeſſe moleſtiis, gratiam habere loci & vitare contu-
melias actionis. Dulce eſt aliquid ſic mereri, ut nulla poſſit
anxietate turbari ; dum multò gratius redditur, ubi proſperi-
tatis ſola gaudia ſentiuntur. Hunc igitur honorem tibi re-
ſpicis otioſa remuneratione præſtitum qui nimium laborantibus
antiqua noſcitur proviſione collatus, ut Rectores Provinciarum,
anni actione laudatos vix ad tale culmen perducerent, quibus
confitebantur plurima ſe debere. Conſiliarii quoq; Præfectorum,
conſcientia clari, dictatione præcipui, qui in illo actu ampliſſi-
mæ Præfecturæ ſic videntur exercere facundiam, ut ad utilita-
tes publicas expediendas, alteram credas eſſe Quæſturam. Un-
de frequenter & nos judices aſſumimus ; quia eos doctiſſimos
comprobamus. Quid ergo de tali honore ſentiatur, agnoſce ;
quando perfecti pro tot laudabilibus inſtitutis hujuſmodi inve-
niunt præmia dignitatis, & meritò, cum tanta pompa creditur
quæ Senatorii quoq; Ordinis Splendore cenſetur. Spectabilitas
clara & Conſiſtorio noſtro digniſſima, quæ inter Illuſtres ingredi-
tur, inter Proceres advocatur. (The *Illuſtres* and *Proceres* were the great Officers of State, *Conſuls*, *Conſulars*, the *Patricii* and ſuch like ; the Creations of which are alſo in *Caſſiodor*) *otioſi cinguli honore præcincta dignitas, quæ nullum novit offendere, nullum cognoſcitur ingravare, & ſuper omnia bona concitare neſcit invidiam. Quocirca provocati moribus tuis* Comitivam *tibi* Primi Ordinis, *ab illa Indictione, Majeſtatis favore largimur, ut* Conſiſtorium *noſtrum ſicut rogatus ingrederis, ita moribus laudatus exornes. Quando vicinus honor eſt Illuſtribus dum alter medius non habetur, delectet te illos imitari quos proximitate contingis. Tu locum amplum & honorabilem facis ſi te moderata conſideratione tractaveris. Admoneat te certè, quod ſuſcepta dignitas* primi Ordinis *appellatione cenſetur, utiq; quia te ſequuntur omnes qui Spectabilitatis honore decorantur. Sed vide ne quis te præcedat opinione qui ſequitur dignitate. Alioquin grave pondus invidiæ eſt, ſplendere cinguli claritate & morum lampade non lucere.*

XI. The form of the Letters that made a *Comes Sacrarum Largitionum* wherein alſo is given him the Office of *Primicerius Notariorum* or chief maſter of the Clerks of the Crown.

The Empire.

GRata ſunt omnino nomina quæ deſignant protinus actiones: quando tota ambignitas audienti tollitur, ubi in vocabulo concluditur quid geratur. Donis enim præſidere Regalibus Comitivam Sacrarum Largitionum, *indicia rerum verba teſtantur. Quod verè decorum, verè fuit omnimodis exquiſitum, in donorum Regalium parte ſequeſtratam facere dignitatem & alterius honorem dicere dum nos conſtet dona conferre. Actus innocens, pietatis officium, illud ſemper ingerere, unde ſe fama Principis poſſit augere. Regalibus magna profectò fœlicitas militare donis, & dignitatem habere de publica largitate. Alii judices obtemperant reſiduis virtutibus regnatori. Hæc ſola eſt quæ tantummodo ſerviat ad monumenta pietatis. Nihil enim per ipſam diſtrictum geritur, nil ſeverum forte cenſetur, ſed tunc obſequitur quando pro nobis vota funduntur. Supplicium per te Fortunas erigimus, Cal. Januariis affatim donum largimur, & lætitia publica militia tua eſt. Verùm hanc liberalitatem noſtram alio decoras obſequio, ut figura vultus noſtri metallis uſualibus imprimatur, monetámq; facis de noſtris temporibus futura ſecula commonere. O magna inventa prudentum! O laudabilia inſtituta Majorum! ut & imago Principum ſubjectos videretur paſcere per commercium, quorum conſilia invigilare non deſinunt pro ſalute cunctorum. Sed huic (ut ita dixerim) muneratiæ dignitati præconem largitatis noſtræ, publicæ fœlicitatis indicium, locum quoq; Primiceriatus adjunginus, ut per te demus honores, per quem & noſtræ pecuniæ conferimus largitates. Meritò; quando & ſimili gratia utráq; præſtantur, & ab uno debuerunt judice geri, quæ parili videntur laude conjungi. Parùm eſt autem quod Provinciarum judices tuæ ſubjaceant dignitati. Ipſis quoq; Proceribus Chartarum confirmas officium, dum perfectum non creditur, niſi à te fuerit pro ſolennitate completum. Veſtis quoq; ſacra tibi antiquitùs noſcitur fuiſſe commiſſa qui quod* (perhaps it ſhould be *quid, quod*) *ad ſplendorem Regium pertinet tuis minùs ordinationibus obediret. Curas quoq; litorum adventitia lucri proviſione committis. Negotiatores, quos humanæ vitæ conſtat neceſſarios, huic poteſtati manifeſtum eſt eſſe ſubjectos. Nam quicquid in veſtibus, quicquid in ære, quicquid in argento, quicquid in gemmis ambitio humana poteſt habere pretioſum, tuis ordinationibus obſecundat, & ad judicium tuum confluunt qui de extremis mundi partibus advenere. Salis quoque commercium, inter veſtes ſericas & pretioſiſſimam margaritam, non ineptè tibi deputavit antiquitas; ut ſapientiam tuam evidenter oſtenderet, cui talis ſpecies deputata ſerviret.*

ſerviret. Quapropter per illam Indictionem Comitivæ Sacrarum [Largitionum,] *& Primiceriatus tibi conferimus dignitates ut multis laudibus decorari poſſis qui honorum numeroſitate præcingeris. Utere igitur ſolenniter titulis tuis, ſi quid tibi de antiquo privilegio uſus abſtulit, plurima certè quæ vendicare debeas dereliquit. Quando duarum dignitatum glorioſa quidem cura, ſed & laborioſa cuſtodia eſt, quæ tibi copioſum fructum decoris afferunt ſi probis moribus excoluntur.* *The Empire.*

He hath another good form of King *Athalaricus* (that ſucceeded *Theodorique*) his giving *Opilio* the ſame dignity.

OPilioni *Comiti Sacrarum largitionum* Athalaricus *Rex. Solent quidem venientes ad aulicas dignitates diutina exploratione trutinari, ne Imperiale judicium aliquid probare videatur ambiguum: quoniam gloria Regni eſt reperiſſe Judices exquiſitos. Sed tam frequens eſt familiæ veſtræ fœliciſſimus provectus, tam in multis perſonis declarata prudentia ut licet aliquis vos eligat ad ſubitum, nihil feciſſe videatur incertum. Similitudinem ſuorum fœlix vena cuſtodit: quando pudet delinquere, quia ſimilia nequeunt ſuo genere reperire. Hinc eſt, quod melius agnoſcitur elegiſſe nobilem, quam feciſſe fœlicem: quia iſte commonitus per veterum facta ſe cuſtodit, ille exemplum non habet, niſi quod fecerit. Quapropter ſecurè tibi credimus, quod toties tuo generi commiſſum fuiſſe gaudemus. Paterhis faſcibus præfuit, ſed & frater eadem reſplenduit claritate. Ipſa quodammodo dignitas in penatibus veſtris larem poſuit, & domeſticum factum eſt publicum decus. Nam militiæ ordinem ſub fraterna laude didiciſti: cui mutuo connexus affectu, implebas laboribus ſocium, & conſiliorum participatione germanum: ad te potius pertinere dijudicans, quod frater acceperat. Hoc baculo reclinabatur ille fœliciori actu quædam negligens præſumptione tui, quia perte omnia cernebat impleri. En dulce fratrum obſequium, & præſentium temporum antiqua concordia. Bene talibus ſenſibus judicium creditur, qui ſervare mores naturaliter ſentiuntur. Quod ſi amœni receſſus, & Provinciale otium fortè libuiſſent, ad te catervæ cauſantium & anxia currebant vota læſorum. Boni judicis inter eos aſſumebas officium: ut futurorum quodam urgente præſagio, quod à nobis accipere poteras, meritorum aſſumptione peragebas. Meminimus etiam, qua nobis in primordiis Regni noſtri devotione ſervieris, quando maximè neceſſarium fidelium habetur obſequium. Nam cum poſt tranſitum divæ memoriæ domni avi noſtri anxia po-*

The Empire.

pulorum vota trepidarent, & de tanti Regni adhuc incerto hæ-rede ſubjectorum ſe corda perfunderent, auſpicia noſtra Liguribus fœlix portitor nuntiaſti, & ſapientiæ tuæ allocutione firmaſti, in errorem quem de occaſu conceperant, ortum noſtri Imperii in gaudia commutabant. Innovatio Regni ſine aliqua confuſione tranſivit: & ſolicitudo tua præſtitit, quòd nos nullus offendit. Atq; ideò probato talibus inſtitutis, ab Indictione fœliciter ſexta Sacrarum largitionum Comitivam, *propitia tibi divinitate concedimus. Uſurus es omnibus privilegiis atq; emolumentis quæ ad tuos deceſſores pertinuiſſe noſcuntur. Abſit enim ut aliqua calumniæ machinatione quatiantur, qui actionis ſuæ firmitate conſiſtunt. Fuit enim tempus cum per delatores vexarentur & judices. Deponite jam formidinem, qui non habetis errorem. Fructibus veſtrarum utimini dignitatum. Nam quod vobis per deceſſores prædeceſſoréſq; noſtros temporibus domini avi noſtri conſuetudo longæva dedit, indulgentia quoque noſtra cuſtodit. Conferimus tibi honorem germani, ſed tu fidem ejus imitare ſervitii. Nam ſi illum ſequeris, multos laude præcedis: virum auctoritatis maximæ, probatæ conſtantiæ, qui ſub tanto Principe & ſine culpa paruit & juſtitiam laudatus exercuit. Promptum eſt enim æſtimare quid egerit, quando ſub ingrato ſucceſſore Palatinum officium præconia ejus tacere non potuit. Difficile itaq; non eſt moribus ſequi poſſe germanum: quia & in converſationis fructu plerunq; conſentiunt, qui unius ſemine procreantur.*

XII. The form of the Creation of a *Comes Rerum Privatarum.*

COmitiva privatarum, *ſicut nominis ipſius ſentitur inſonare vocabulum, per Rationalium curam quondam principum privatam fertur gubernaſſe ſubſtantiam. Et quia judicis faſtigium exercere non poterat inter homines, extremis conditionibus inclinatos, alios quoq; titulos provida deliberatione ſuſcepit: ne dignitas Latialis cauſam tantum videretur habere cum famulis: ſed actibus urbanis tunc ſe feliciùs occupavit, poſtquam agreſtium cauſas decenter amiſit. Quid enim priùs facerent inter ſervos, jura publica, qui perſonam legibus non habebant? Non ibi advocatus aderat: non ſe partes ſolenni actione pulſabant. Erat Secretarium impolluta ſeditione confuſum: & appellabatur abuſive judicium, ubi non allegabantur à partibus dicta prudentium. Utitur nunc dignitas liberorum cauſis, & legitimus Præſul veraciter habetur, quando de ingenuorum fortunis diſceptare poſſe ſentitur. Primum*

tibi

tibi contra nefarias libidines, & humani generis improbos appetitus, quasi parenti publico, decreta custodia est: nequis se probrosa commixtione pollueret, dum vicino sanguini reverentiam non haberet. Gravitas enim publica proximitatis sanctitatem & Conjunctionis gratiam, habita æstimatione, discernit. Quia longe aliud debetur proximitati naturæ, quam corporali possumus indulgere licentiæ. Contra hos eligeris unicus & continens inquisitor: ut dum talia probra persequeris, consequaris præconia castitatis. Defunctorum quinetiam sacram quietem æquabilia jura tuæ conscientiæ commiserunt: ne quis vestita marmoribus sepulchra nudaret: ne quis columnarem decorem irreligiosa temeritate præsumeret, ne quis cineres alienos, aut longinquitate temporis, aut voraci flamma consumptos, scelerata perscrutatione detegeret: ne corpus quod semel reliquerat mundanas molestias, humanas iterum pateretur insidias. Nam etsi cadavera furta non sentiunt, ab omni pietate alienus esse dignoscitur, qui aliquid mortuis obrogasse monstratur. Vide quæ tibi commissa sunt; castitas viventium & securitas mortuorum. Habes quoque per Provincias de perpetuario jure tributorum non minimam quantitatem. Canonicarios dirigis, possessores admones, & cum aliis judicibus non modica jura partiris, caduca bona non sinis esse vacantia. Ita quod usurpatio potuit invadere tu fiscum nostrum facis justis compendiis obtinere, Proximos defunctorum nobis legaliter ante ponis: quia in hoc casu principis persona post omnes est. Sed hinc optamus non acquirere, dummodo sint, qui relicta debeant possidere. Depositivæ quoque pecuniæ, quæ longa vetustate competentes dominos amiserunt, inquisitione tua nostris applicantur ærariis: ut quos sua cunctos patimur possidere, aliena nobis debeant libenter offerre. Sine damno siquidem inventa perdit qui propria non amittit. Proinde (quod fœlicibus applicetur auspiciis) per Indictionem illam Comitivæ Privatarum *te honore decoramus, quam leges Præfectis quoque parem esse decreverunt: est enim & ipsa aulica potestas, Palatio nostro jure reverenda, quam tu facis ultra terminum suum crescere, si susceptam continenter egeris dignitatem.*

The Empire.

XIII. The form of the Letters that made a *Comes Patrimonii.*

ANtiquæ consuetudinis ratio persuadet, chartis nostris illos imbuere, qui longe positi transmissas accipiunt dignitates: ut quos non poteramus præsentes instruere, lectio probabilis commoneret. Sed te quem ad Patrimonii nostri curas regalis defloravit electio non tam destinatis præceptionibus instruimus

The Empire.

instruimus quàm usu serenissimæ collocutionis erudimus. Confabulationes siquidem nostræ erunt tibi instrumenta justitiæ, quando illud gratum nobis perspexeris, quod & divinis potest convenire mandatis. Patrimonium siquidem nostrum, pro sublevandis privatorum fortunis, tibi credidimus, non premendis. Nam si tranquillitatis nostræ velis considerare rationem, quoddam Regiæ domus famulis præjudicium humilitatis imponis. Proprias quippe utilitates improbus dominus quoquo modo nititur vindicare: cæterum qui bonæ famæ studere cognoscitur, suo semper judicio plus gravatur. Insolens libertatis genus est rusticorum, qui adeo sibi putant licere voluntaria, quoniam ad nostram dicuntur pertinere substantiam. Esto igitur illis cum erecta potestate moderatus. Temperamentum simul damus, cui posse concedimus. Considera, suscepta dignitas quo debeat splendore tractari, per quam supra cæteros Judices familiaritatem principis habere meruisti. Nam sicut Sol ortus corporum colores fugata nocte detegit, ita se morum tuorum qualitas, assiduè viso principe, non celabit. Mens tua & oculis nostris patebit & auribus. In vultu & in voce cognoscimus servientium mores. Si facies tranquilla, si vox moderata suggesserit, credimus esse probatissimas causas. Quicquid enim turbulenter dicitur, justitiam non putamus. Quapropter pensabit loqui tuum dominantis examen, quando nequeunt proprias tegere voluntates qui suos possunt proferre sermones. Speculum siquidem cordis hominum verba sunt: dum illico moribus placere creditur, quod ipse sibi ad agendum legisse monstratur. Superbus quinetiam varicatis gressibus patet. Iracundus luminum fervore declaratur. Subdolus terrenum semper amat aspectum. Leves inconstantia prodit oculorum. Avarus obuncis unguibus explanatur. Et ideo ad quas provecti estis, studete virtutibus. Quia nemo potest principem fallere, qui etiam rerum naturalium causas in vobis optime probatur inquirere. Quapropter ad Comitivam patrimonii nostri *te per Indictionem illam (Deo juvante) promovemus, ut inavarum Judicem Palatia nostra testentur, quem nos judicavimus esse promovendum. Quid enim magis cupias, quam si te linguas nobilium laudare cognoscas? Alibi forte judices formidentur injusti, hic ubi remedium præsens petitur, redempta sententia non timetur. Querimonias possessorum sine venali protractione distingue. Omne siquidem justum, celeritatis commodo transit ad beneficium: & quod debito redditur, tali gratia munus putatur. Possessiones nostræ, vel quia sunt immobiles, non egrediantur terminos constitutos: ne conditione contraria quod non*

potest

poteſt moveri, malis moribus contingat extendi. Trade etiam militibus tuis quam ſectari delegeris animi caſtitatem: Quoniam ille juſtus poteſt dici, ſub quo non probatur excedi. Utere igitur, auctore Deo, conceſſo tibi fœliciter privilegio dignitatis. Incitet te ad bonorum deſiderium, ſæpiſſimè quod videris: quia in his quæ feceris, judex & teſtis ero. Nam etſi epulas ſolicita ordinatione diſponas, non ſolum noſtro palatio clarus, ſed & gentibus neceſſe eſt, reddare eximius. Legati pene ex tota orbis parte venientes cum noſtris cœperint intereſſe conviviis, admirantur copioſe repertum, quod in patria ſua norunt eſſe rariſſimum. Stupent etiam abundantiam unius menſæ, tantas ſervientium turbas poſſe ſatiare: ut judicent conſumpta recreſcere, unde tanta quæ probantur exire. Habent nimirum in ſua patria quod loquantur, dum parentibus ſuis dicere geſtiunt, quæ viderunt. Sic propemodum in toto mundo celeberrimus redditur, qui providus noſtris apparatibus invenitur. Adde quod tempora noſtræ lætitiæ ſecretaria tua ſunt, cum pectus redditur curis alienum: & tunc tribuitur ſuggerendi locus, quando cunctis adimitur. Merito, ut qui es judex tanti apparatus & epularum, delinitus cibis tibi animus concedatur. The Empire.

XIV. The form of the Letters that made a *Comes Archiatrorum* or the Preſident (by the name of Count) of the Emperour's Phyſicians.

INter utiliſſimas artes, quas ad ſuſtentandam humanæ fragilitatis indigentiam, divina tribuerunt, nulla præſtare videtur aliquid ſimile, quam quod poteſt auxiliaris medicina conferre. Ipſa enim morbo periclitantibus materna gratia ſemper aſſiſtit. Ipſa contra dolores, pro noſtra imbecilitate confligit: & ibi nos nititur ſublevare, ubi nullæ divitiæ, nulla poteſt dignitas ſubvenire. Cauſarum periti palmates habentur, cum magna negotia defenderint ſingulorum: ſed quanto glorioſius eſt expellere quod mortem videbatur inferre? & ſalutem periclitanti reddere, de quo coactus fuerat deſperare? Ars quæ in homine plus invenit, quam in ſeipſo cognoſcit. Periclitantia confirmat, quaſſata corroborat, & futurorum præſcia valetudini non cedit, cum ſe æger præſenti debilitate turbaverit, amplius intelligens quam videtur, plus credens actioni quam oculis. Ut ab ignorantibus pene præſagium putetur, quod ratione colligitur. Huic peritiæ deeſſe judicem, nonne humanarum rerum probatur oblivio? Et cum laſciva voluptates recipiant tribunum, hæc non meretur habere primarium? Habeant itaque præſulem, quibus noſtram committimus ſoſpitatem. Sciant ſe huic reddere rationem, qui operandam ſuſcipiunt

The Empire.

ſuſcipiunt humanam ſalutem. Non quod ad caſum fecerit, ſed quod legerit ars dicatur: alioqui periculis potius exponimur, ſi vagis voluntatibus ſubjacemus. Unde ſi hæſitatum fuerit, mox quæratur. Obſcura nimis eſt hominum ſalus, temperies ex contrariis humoribus conſtans: ubi quicquid horum excreverit, ad infirmitatem protinus corpus inducit. Hinc eſt, quod ſicut aptis cibis valetudo recreatur feſſa, ſic venenum eſt quod incompetenter accipitur. Habeantur itaque medici pro incolumitate omnium, & poſt ſcholas magiſtrum vacent, libris delectentur antiquis. Nullus juſtiùs aſſidue legit, quam qui de humana ſalute tractaverit. Deponite medendi artifices noxias ægrotantium contentiones: ut cum vobis non vultis cedere, inventa veſtra invicem videamini diſſipare. Habetis quem ſine invidia interrogare poſſitis. Omnis prudens conſilium quærit, dum ille magis ſtudioſior agnoſcitur qui cautior frequenti interrogatione monſtratur. In ipſis quippe artis hujus initiis quædam ſacerdotii genere Sacramenta vos conſecrant. Doctoribus enim veſtris promittitis, odiſſe nequitiam, & amare puritatem. Sic vobis liberum non eſt, ſponte delinquere, quibus ante momenta ſcientiæ, animas imponitur obligare. Et ideo diligentius exquirite, quæ curent ſaucios, corroborent imbecilles. Nam ſi videro quod delictum lapſus excuſet Homicidii crimen eſt, in hominis ſalute peccare. Sed credimus jam iſta ſufficere, quando facimus quod vos debeat admonere. Quapropter à præſenti tempore Comitivæ Archiatrorum *honore decorare, ut inter ſalutis magiſtros ſolus habearis eximius: & omnes judicio tuo cedant, qui ſe ambitu mutuæ contentionis excruciant. Eſto arbiter artis egregiæ, eorumque diſtingue conflictus, quos judicare ſolus ſolebat affectus. In ipſis ægros curas, ſi contentiones noxias prudenter abſcindis. Magnum munus eſt, ſubditos habere prudentes, & inter illos honorabilem fieri quos reverentur cæteri. Viſitatio tua ſoſpitas ſit ægrotantium, refectio debilium, ſpes certa feſſorum. Requirant rudes, quos viſitant, ægrotantes, ſi dolor ceſſavit, ſi ſommus affuerit. De ſuo vero languore te ægrotus interroget, audiátque à te verius quod ipſe patitur. Habetis & vos certe veriſſimos teſtes, quos interrogare poſſitis. Perito ſiquidem Archiatro venarum pulſus enuntiat, quid intus natura patiatur. Offeruntur etiam oculis urinæ, ut facilius ſit vocem clamantis non advertere, quam hujuſmodi minime ſigna ſentire. Indulge te quoque Palatio noſtro: habeto fiduciam ingrediendi, quæ magnis ſolent prætiis comparari. Nam licet alii ſubjecto jure ſerviant, tu rerum Domino ſtudio præſtantis*

(perhaps

(perhaps *Dominum ſtudio præſtanti*) *obſerva. Fas eſt tibi nos fatigare jejuniis : fas eſt, contra noſtrum ſentire deſiderium, & in locum beneficii dictare, quod nos ad gaudia ſalutis excruciet. Talem tibi denique licentiam noſtri eſſe cognoſcis, qualem nos habere non probamur in cæteros.* The Emperor.

XV. The Letters that made a Count of a Province, or gave the *Comitiva Provinciæ.*

QUamvis omnium dignitatum officia à manu ſecludantur armata & civilibus veſtibus videantur induti qui diſtrictionem publicam docentur operari, tua tamen dignitas à terroribus ornatur quæ gladio bellico rebus etiam pacatis, accingitur. Vide quo judicio fueris evectus, quando aliis vigorem faſcium videas eſſe creditum, tibi autem ab ipſis legibus ferrum conſtet eſſe porrectum, Rem cruentam dederunt animo pacato, ut & noxii nimiùm metuerent, & læſi de optata ultione gauderent. Alioquin culparentur priores, ſi temperata omnia non feciſſent. Sed cum te intelligas ad moderamen electum, humanum facilè non concupiſcas exitium. Reus quì ditur, & probetur. Scito puniendi remedium datum tibi pro ſalute multorum. Arma iſta juris ſunt, non furoris. Hæc oſtentatio nimirum eſt contra noxios inſtituta, ut plus terror corrigat quam pœna conſumat. Non enim cogitur ferro ſuccidere robuſtam, qui adhuc teneram verbis curvat audaciam. Civilis eſt pavor iſte non bellicus ; quem tu ſic facies eſſe glorioſum, ſi habere non probetur exceſſum. Habes etiam & ferrum nihilominùs incruentum. Claudantur nexibus cathenarum, quos leviùm criminum pulſat invidia. Cunctator eſſe debet, qui judicat de ſalute. Alia ſententia poteſt corrigi, de vita tranſactum non patitur immutari. Signa tua abactores timeant, Fures paveſcant, latrones perhorreant. Innocentia tantum læta reſpiciat, dum ſibi auxilia veniſſe credit, quæ Legum diſciplina tranſmiſit. Nemo redemptionibus tuum velle deflectat. Gladius conditur ubi aurum ſuſcipitur. Tu te inermen reddis, ſi à virili animo cupiditate receſſeris. Quocirca per Indictionem illam Comitivæ tibi in illa Provincia *tribuimus dignitatem, ut ad titulos tuos pertinentia civilitate potius laudabilis exequaris ; nec quicquam præſumas facere niſi quod privatus poſſis legibus vindicare. Ipſa eſt enim recta adminiſtratio quæ & ſine poteſtate defenditur, ut tunc probetur fuiſſe juſtus quando ei quæ mavult objicere poſſit inimicus. Nec tamen ſpes noſtra velut faſtiditate deſeritur. Nam ſi bene provinciarum adminiſtrationibus præſidetis, honores vos ampliſſimos ſperare, leges meritò*

The Empire.

cenſuerunt. Unde jam videtur pene debitum, quod vobis à tanta authoritate ultro noſcitur fuiſſe promiſſum.

There is alſo another Form in him, by which the Government of *Dalmatia* and *Suavia*, [r] is granted to *Oſum*, who is called *Comes* and *Vir Illuſtris*, by which, it ſeems, he had the *Illuſtratus* [t] given him, beſides the title of *Comes*. For that title of it ſelf was but *ſpectabilis*, although a Province were joyned with it.

[r] *Var. lib. 6. form. 8. & 9.*
[t] *Ibid. lib. 6. form. 11.*

XVI. The Form of the Letters that made a Count of *Syracuſe*.

REgalis eſt providentiæ, tales judicum perſonas eligere, ut ad Comitatum neceſſitatem non habeant veniendi, quos in longinquis Regionibus contigerit immorari. Nullum enim tale negotium eſt, quod Siculi *itineris tantas pati poſſit expenſas, dum commodius ſit cauſam perdere, quam aliquid per talia diſpendia conquiſiſſe. Non enim querelas de* Sicilia *volumus venire, ſed laudes: quia gravatur apud nos actio Præſulis, ſi eam tam longinqui potuerint accuſare petitores. Falſus enim dolor eſſe non creditur, ubi tanti laboris tœdia ſubeuntur. Et ideo majore cura tractanda ſunt, unde invidia plus timetur. Proinde per Indictionem illam,* Comitivam *tibi* Syracuſanæ civitatis *propitia divinitate concedimus: ut omnia ſic agere nitaris, quemadmodum nos tibi præſtitiſſe cognoſcis. De proximis vota cauſantium ſuſtinemus. Inde autem ultro requirimus unde ad nos difficilè venire poſſe ſentimus. Habes quæ te decorare debeant, ſi tu tamen ibi conſcientia defecatus adveneris. Militum tibi numerus noſtris ſervit expenſis. Redderis inter arma geniatus, proceſſio tua procinctualis ornatus eſt. Exercitu uteris pacato, nec pericula belli ſubis, & armorum pompa decoraris. Verum inter hæc civilem cogita diſciplinam. Non permittas milites eſſe poſſeſſoribus inſolentes. Annonas ſuas ſub moderatione percipiant, cauſis non miſceantur extraneis. Pro ſecuritate ſe omnium cognoſcat electum, qui ſe gloriatur habere armatum. Privilegia dignitatis tuæ nec volumus minui, nec jubemus excedi. Sufficiat tibi tantum gerere, quantum deceſſores tuos conſtiterit rationabiliter effeciſſe.*

XVII. The Form of the Letters that made a Count of the City of *Naples*.

INter cætera vetuſtatis inventa, ordinatarum rerum obſtupenda præconia, hoc cunctis laudibus meretur efferri, quod diverſarum Civitatum decora facies aptis adminiſtrationibus videtur ornari: ut & conventus nobilium occurſione celebri colligatur

colligatur & cauſarum nodi juris diſceptatione ſolvantur. Unde nos quoque non minorem gloriam habere cognoſcimur, qui facta veterum annuis ſolennitatibus innovamus. Nam quid prodeſſet inventum, ſi non fuiſſet jugiter cuſtoditum? Exeunt à nobis dignitates relucentes quaſi à Solis radiis, ut in orbis noſtri parte reſplendeat cuſtodita juſtitia. Ideo enim tot emolumentorum commoda ſerimus, ut ſecuritatem Provincialium colligamus. Meſſis noſtra cunctorum quies eſt, quam non poſſumus aliter recordari, niſi ut ſubjecti non videantur aliquid irrationabiliter perdidiſſe. Et ideo ad Comitivam *te* Neopolitanum, *per illam Indictionem libenter adducimus: ut civilia negotia æquus trutinator examines: tantúmque famam tuam habita maturitate cuſtodias, quantum te illi populo vel in levi culpa facile diſplicere cognoſcas. Urbs ornata multitudine civium, abundans marinis terreníſque deliciis: ut dulciſſimam vitam te ibidem inveniſſe dijudices, ſi nullis amaritudinibus miſcearis. Prætoria tua officia replent, militum turba cuſtodit. Conſidis gemmatum tribunal: ſed tot teſtes pateris, quot te agmina circundare cognoſcis. Præterea littora uſque ad præfinitum locum datâ juſſione cuſtodis: tuæ voluntati parent peregrina commercia. Præſtas ementibus de pretio ſuo, & gratiæ tuæ proficis, quod avidus Mercator acquirit. Sed inter hæc præclara faſtigia optimum judicem eſſe decet; quando ſe non poteſt occulere; qui inter frequentes populos cognoſcitur habitare. Factum tuum erit ſermo civitatis, dum per ora fertur populi, quod à judice contigerit actitari. Habet ultionem ſuam hominum frequentia, ſi loquar ad diverſa: & de judice judicium eſſe creditur, quod à multis adſtipulationibus perſonatur. Contra, quid melius, quam illum populum gratum reſpicere, cui cognoſceris præſidere? Quale eſt perfrui favore multorum & illas voces accipere, quas & clementes Dominos delectat audire? Nos tibi proficiendi materiam damus: tuum eſt ſic agere, ut ſua beneficia Principem delectet augere.*

The Empire.

And with this were ſent Letters for command of obedience, both to thoſe of *Naples*, and to ſuch as were to execute the command of the *Count* in his Government. To thoſe of *Naples* thus:

TRibuta quidem nobis annua devotione perſolvitis, ſed nos majore viciſſitudine decoras vobis reddimus dignitates: ut vos ab incurſantium pravitate defendant, qui noſtris juſſionibus obſecundant. Erit noſtrum gaudium, veſtra quies; ſuave lucrum, ſi neſciatis incommodum. Degite moribus compoſitis, ut vivatis legibus feriatis. Quid opus eſt quenquam

The Empire.

facere, unde pœnas possit incurrere? Quærat judex in vos causas, & non inveniat. Ratio motus vestros componat, qui rationales vos esse cognoscitis. Improbis judicem, testem bonis moribus destinamus: ut nemo se cogi sentiat, nisi quem ordo legitimæ conversationis accusat. Atque ideo illi nos Comitivam Neapolitanæ *Civitatis per illam indictionem dediſſe declaramus: ut nostra gubernatione laudatus, alteram mereatur de nostro judicio dignitatem. Cui vos convenit prudenter obedire: quia utrumque laudabile est, ut bonus populus judicem benignum faciat, & mansuetus judex gratissimum populum æquabili ratione componat.*

To the Officers under the *Comitiva* in these Words.

OMnes apparitiones decet habere judices suos. Nam cui Præsul adimitur, & militia denegatur. Sed nos, quibus cordi est, locis suis universos ordines continere indicamus, illi Comitivam Neapolitanam, *Deo juvante, largitos. Ut judicibus annua successione reparatis, vobis solennitas non pereat actionis. Quapropter designato viro præstate competenter obsequium, ut sicut vos non patimur emolumentorum commoda perdere, ita & vos parendi debeatis priscam regulam custodire.*

Both these I inserted because they adde some light both to the knowledge of the power of the Count, and of the use at his Creation.

XVIII. The form of making a Count of the second rank for the Government of Cities.

SEculi hujus honor humanæ mentis est manifesta probatio: quia libertas animi voluntatem propriam semper ostendit, dum se contemnit occulere, qui sibi alios cognoverit subjacere. Sed humanæ mentis fœlix illa conditio est, quæ arbitrium provectionis suæ intra terminum moderationis includit, & sic peragit dignitatis brevissimum spatium, ut universis temporibus reddatur acceptus. Quapropter interdum judices ad blanda descendite. Laborioſum quidem, sed non est impossibile, justitiam suadere mortalibus: quam ita cunctorum sensibus beneficium divinitatis attribuit, ut et qui nesciunt jura, rationem tamen veritatis agnoscant. Necesse est enim, ut quod à natura conceditur, submonente iterum eadem suaviter audiatur. Et ideo non laboretis populis imponere, quæ eos constat ex propria voluntate sentire. Facile enim sequuntur vestigia verbi alieni, qui se posse credunt monitione compelli.

pelli. Propterea per illam Indictionem in illa civitate Comitivæ Honorem Secundi Ordinis *tibi, propitia divinitate, largimur: ut & cives commissos æquitate regas, & publicarum ordinationum jussiones constanter adimpleas: quatenus tibi meliora præstemus, quando te probaliter egisse præsentia, sentiemus.* The Empire.

Then follow also Letters for command of obedience to the Citizens, and to the Officers that belonged to the *Comitiva* of like sense to those before shewed in that of *Naples*, whence it may be collected that such Counts generally were of the second rank, although they be not named so in any example that *Cassiodor* hath, saving in this which is proposed as a general President, or for *diversæ Civitates*, as the Title says.

XIX. But there is one form of making a Count that was proper to King *Theodorick*, or at least to the *Gothique* Kings, which yet we insert here because it helps to the knowledge of the various use of the title of *Comes* that afterward (as is anon shewed) passing through the *Roman-Gothique* Customs, came to be fixed to Feuds in the *French* Empire. It was for the appointing of a Judge by the name of *Comes* in every Province under the *Gothique* Kings, where any *Goths* resided, for determining all causes arising either between two *Goths*, or between a *Goth* and a *Roman*. But in the last case he was to have a *Roman* Lawyer sit as an assistant with him. The title in *Cassiodor* is, *Formulæ Comitivæ* Gotthorum *per singulas Provincias.*

THeodoricus *Rex, &c. Cum Deo juvante, sciamus* Gothos *vobiscum habitare permixtos, ne qua inter consortes, ut assolet, indisciplinatio nasceretur, necessarium duximus, illum sublimem virum, bonis nobis moribus hactenus comprobatum, ad vos* Comitem *destinare, qui secundum edicta nostra inter duos* Gothos *litem debeat amputare. Si quod etiam inter* Gothum *&* Romanum *natum fuerit fortasse negotium, adhibito sibi prudente* Romano *certamen possit æquabili ratione distringere. Inter duos autem* Romanos Romani *audiant, quos per Provincias dirigimus cognitores: ut unicuiq; sua jura serventur & sub diversitate judicum una justitia complectatur universos. Sic pace communi utræq; Nationes, divinitate propitia, dulci otio perfruantur. Scitote autem, unam nobis in omnibus æquabiliter esse charitatem: sed ille se animo nostro amplius commendare poterit, qui leges moderata voluntate dilexerit. Non amamus aliquid incivile, scelestam superbiam cum suis detestamur auctoribus. Violentos nostra pietas execratur. In causa possint jura, non brachia. Nam cur eligant quærere violenta, qui præsentia probantur habere judicia? Ideò enim emolumenta judicibus damus, ideò tot of-*

ficia

The Empire.

ficia diversis largitatibus continemus, ut inter vos non sinamus crescere, quod possit ad odium pertinere. Unum vos amplectatur vivendi votum, quibus unum esse constat Imperium, Audiat uterq; populus, quod amamus. Romani *vobis sicut sunt possessionibus vicini, ita sint & charitate conjuncti. Vos autem* Romani *magno studio* Gothos *diligere debetis, qui & in pace numerosos vobis populos faciunt, & universam Rempublicam per bella defendunt. Itaq; destinato à nobis judici vos convenit obedire ut quicquid pro conservandis legibus censuerit, modis omnibus impleatis : quatenus & nostro imperio & vestræ utilitati satisfeciisse videamini.*

Those other forms of making a Count of the City of *Rome*, whose Office was to hear and determine all crimes committed in breaking or otherwise defacing the Statues or other publick Works of the City, of a *Comes Portus*, *Comes Domesticorum*, and some more that are in *Cassiodor*, we omit here. These that we have taken out of him being sufficient to shew the forms of the time in making Counts of the chiefest several natures. And for the forms of *Letters of Creation*, or *Commissions* to *Counts*; hitherto.

XX. For the *Duces* or Dukes of that time; the same Authour hath this example of the giving of the *Ducatus Retiarum*, or the Military government of the Frontiers, which now we call the *Grisons* Countrey.

QUamvis spectabilitatis honor unus esse videatur, nec in his aliquid aliud nisi tempus soleat anteferri, tamen rerum qualitate propensa, multum his creditum videtur quibus confinales populi deputantur. Quia non est tale pacatis Regionibus jus dicere, quale suspectis gentibus assidere, ubi non tantùm vitia, quantum bella suspecta sunt, nec solùm vox præconis insonat, sed tubarum crepitus frequenter insultat. Retiæ *namque munimina sunt* Italiæ, *& claustra Provinciæ. Quæ non immeritò sic appellata esse judicamus, quando contra feras & agrestissimas gentes velut quædam plagarum obstacula disponuntur. Ibi enim impetus gentilis excipitur, & transmissis jaculis sauciatur furibunda præsumptio. Sic gentilis impetus vestra venatio est, & ludo geritis, quod vos assiduè fœliciter egisse sentitis. Ideò validum te ingenio ac viribus audientes, per illam Indictionem,* Ducatum *tibi credimus* Retiarum, *ut milites & in pace regas, & cum eis fines nostros solenni alacritate circumeas. Quia non parvam rem tibi respicis esse commissam, quando tranquillitas regni nostri tua creditur sollicitudine custodiri. Ita tamen ut milites tibi commissi vivant cum Provincialibus Jure Civili, nec insolescat animus*

qui

qui se sentit armatum; quia clypeus ille exercitus nostri quietem debet præstare Romanis. *Quos ideò constat appositos, ut intus vita fœlicior secura libertate carpatur. Quapropter nostro responde judicio fide nobis & industria placiturus, ut nec gentiles sine discussione suscipias, nec nostros ad gentes sub incuriositate transmittas. Ad necessitatem siquidem rariùs venitur armorum, ubi suscepta surreptio custodiri posse sentitur. Privilegia verò dignitatis tuæ nostris tibi jussionibus vendicabis.* *The Empire.*

This Commission for a Duke gave the same Authority, as that before shewed for the *Count* of a Province. And he that had a Province so committed to him with Military Government, being not a Count, was called *Dux* only; if a Count, then *Comes hujus* or *illius Provinciæ*; as is before noted. Saving (as I think) in cases where the Predecessours had been so frequently Counts, that the name of *Count* and *Comitiva* with relation to the Province, was become in reputation a note rather of Office there only, than a severed character of Honour in the Court. In such cases, I conceive, the Successours were stiled *Comites* of the Provinces, although they were not otherwise *Comites*; And so in truth their Titles were but meer *Synonymies* to *Duces*, as also their *Comitiva* to *Ducatus*, whereas if they were *Comites* of the Court besides (as at first all were) then there remained the same difference between them and meer Dukes, that is before remembred. But some further light to them will appear in that which we next shew, touching their Ensigns and the Officers that were under them in the Places of their Commands.

XXI. Besides the Letters of Creation or Commission, by which the Counts or Dukes of those Times were made (wherein the Offices of Counts were, as is seen in the Examples before brought, according to their several natures, either *Palatin*, Civil or Military; but of the Dukes, alwayes Military) they had also, as other Officers of the greater note, Ensigns or *Symbola administrationis* or [a] *Signa* or σημεῖα τῆς ἀρχῆς which were painted in their Letters or *Codicilli* (as they were called) as also Books of Instructions or *Principis mandata*, for their direction in Government. The *Symbola* or Ensigns were of such nature as for the most part denoted in Picture the principal parts of what was comprehended in the object of their Government, and that under the Picture of their Book of Instructions, and sometime of the Letters themselves loosely folded, both which were usually added also. As the *Comes Sacrarum Largitionum* had Mony in Dishes, Bags, Chests, and the like under the Picture of his Book of Instructions. Of the like nature were those of the *Comes rerum Privatarum*. The *Magister Militum* had Shields of several colours and devices on them, with the names of their Bands or Regiments. The *Quæstor* a bundle of Rolls, and a Columne inscribed with *Leges Salutares*. The *Comes Orientis*, his Provinces designed in the shape of Women crowned, and holding dishes of money, and superscribed with the names of the Provinces. The *Comes Limitis Ægypti* had *Memphis*, *Pelusium*, and some other Cities of *Egypt* painted with a part of *Nilus*. The Duke of *Thebes* there, *Hermunthus*, *Oasis*, *Copto*, *Syena*, and some other Cities with another Part of *Nilus*. And thus

[a] *Novell. 24. cap. 6. & videsis Pancirol. ad Notitiam utrunq; cap. 12.*

The Empire.

thus both in the East and West, those great Officers had their Ensigns pictured in their Letters of Creation or Commission, and that with various colours, as you may know more largely out of *Pancriolus* his Commentary on the *Notitia*, where also the officers that were under them are expressed.

But for Examples here both of the Ensigns of a military Count and of a Duke, as also to shew what Officers they had under them, and what mixt with them; I have chosen those of the *Comes Britanniarum*, *Comes litoris Saxonici per Britannias* and *Dux Britanniarum* and the rest which were of this Island about MCC years now past or about *Theodosius* II. which falls near the last times wherein the *Roman* Empire extended it self hither.

The Government of the Empire was then such that there were four Vice-royes or *Præfecti Prætorio* for Civil Government; one of the East, another of *Illyricum*, a third of *Italy*, and the fourth titled of *Gaule*, or *Præfectus Prætorio Galliarum*, to whose superintendency both *Britain* and *Spain* were subject. Every of these *Præfecti* had immediately under them, for Civil Government, *Vicarii* or Lieutenants, and sometimes *Comites* immediately (as in the example of the *Comes Orientis*, that was as a *Vicarius* or Lieutenant to the *Præfectus Orientis*) sometimes other such Officers; but all made by the Emperour. And the *Præfectus Galliarum* had three *Vicarii*, one for *Spain*, the second for *Gaule*, and the third for *Britain*. And the *Vicarius Britanniarum*, whose Ensigns or *Symbola administrationis*, were the draught of those five Parts of their *Britain*; *Britannia*[b] *prima*, *Britannia secunda*, *Flavia Cæsariensis*, *Maxima Cæsariensis* and *Valentia*, every of them being expressed in several forms of Buildings with their names superscribed, and so placed on land synuously drawn and encompassed with the Sea, as if those five had comprehended the whole Island. And the Book of Instructions, as covered with Green, and the Letters or Commission, as in a gilt cover, were added in the self-same form as is anon shewed in the Ensigns of the Counts and Dukes there. Under this *Vicarius*, there were five that exercised Jurisdiction: two *Consulares* and three *Præsides*; every one having one of these five Parts for his Province. They are thus mentioned in the *Notitia*.

b *De hiis nominibus vide, si placet, Pancirol. Ad Not. Occidentis cap. 69. & Camden. Brit. p. 111.*

Sub dispositione Viri Spectabilis, Vicarii *Britanniarum.*

Consulares.

Maximæ Cæsariensis.
Valentiæ.

Præsides.

Britanniæ *primæ.*
Britanniæ *secundæ.*
Flaviæ Cæsariensis.

Officium autem habet idem vir spectabilis Vicarius *hoc modo.*

Principem de Schola Agentum in rebus ex Ducenariis.
Cornicularium.

Cornicularium.
Numerarios duos.
Commentarienſem.
Ab actis.
Curam Epiſtolarum.
Adjutorem.
Subadjuvas.
Singulares & reliquos Officiales.

The Empire.

The Enſigns and Offices of theſe *Conſulares* are well enough known out of that of the *Conſularis Campaniæ*, whoſe *officium* (as the Authour of the *Notitia* ſaith) *habet ita.*

Principem de Officio Præfecti Prætorio Italiæ.
Cornicularium.
Tabularios duos pro Numerario.
Adjutorem.
Commentarienſem.
Ab actis.
Subadjuvam.
Exceptores & reliquos cohortalinos quibus non licet ad aliam tranſire militiam ſine annotatione clementiæ principalis, cæteri omnes Conſulares *ad ſimilitudinem* Conſularium Campaniæ *officium habent.*

So that, turn but *Præfectus Prætorio Italiæ* here into *Præfectus Prætorio Galliarum*, and then every ſuch Officer as is mentioned here belonged alſo to every of the *Conſulares* of *Britain.*

And the Enſigns alſo of other *Conſulares* (ſaith *Pancirollus*) were as of this of *Campania*, which was a Woman with a mural Crown, ſitting on a Seat of Judgment, holding in her right hand the name of the Province on the top of a Launce, and reſting her left on a Shield. But ſome have the ſhape of a man to the ſame purpoſe. The Book of Inſtructions is alſo added, as ſet by on a Table. The *Præſides* in *Britain* had alſo the ſame Officers with the *Præſes Dalmatiæ.* The *Præſes Dalmatiæ officium habet* (ſaies the Authour of the *Notitia*) *hoc modo*; *Principem ex eodem officio* (that is *ex officio Præfecti Prætorio Italiæ*, and ſo thoſe of *Britain* had their *Principes, ex officio Præfecti Prætorio Galliarum.*)

Cornicularium.
Tabularios duos.
Commentarienſem.
Adjutorem.
Ab actis.
Subadjuvam.
Exceptores & cæteros cohortalinos quibus non licet ad aliam tranſire militiam ſine annotatione clementiæ Principalis. Cæteri Præſides *ad ſimilitudinem* Dalmatiæ *officium habent.*

And the Enſigns of every *Præſes* are known by thoſe of the *Correctores*

The Empire.

res Apuliæ & Calabriæ, which were a fair building ſuperſcribed with the name of the Province under the Book of Inſtructions, and the Emperours Picture which was frequent alſo among the Enſigns of other Officers. And as the *Vicarius* was honoured with the Attribute of *Spectabilis*, ſo the *Conſulares* with *Clariſſimi*, and the *Præſides* with *Perfectiſſimi*. And thus was then the Civil adminiſtration of *Britain*.

For the Military; the *Magiſter Peditum Preſentalis*, and the *Magiſter Equitum Præſentalis*, in the Weſt, having the immediate Power under the Emperour over the Horſe and Foot appointed for the defence of the Provinces or Frontiers of the Weſt (as others in the Eaſt) had under them ſix Military Counts of Provinces, and XII Dukes. The Counts were of *Italy*, *Africk*, *Tingitania*, *Tractus Argentoratenſis* or the Parts about *Strasbourg*, of *Britain*, and of the *Saxon* Coaſt or *Comes littoris Saxonici*. The Dukes were of *Mauritania Cæſarienſis*, the *Tripolitani*, *Pannonia ſecunda*, *Valeria Ripenſis*, *Pannonia prima*, *Noricum Ripenſe*, *Retia prima* and *ſecunda*, *Sequanicum Armoricanum*, *Belgica ſecunda*, *Germania prima*, of *Britain*, and of the Parts about *Mentz*. All theſe had their Enſigns and Officers almoſt in every thing proportionably alike.

The

The *Comes Britanniæ* had for his Enſigns the Iſland thus incompaſſed with the Sea under the Book of his Inſtructions and the Letters of his Commiſſion; one fair Building (to denote the chief City, it ſeems) being placed in it. On the Book alſo the ſame Letters are inſcribed, which were upon the Book of Inſtructions in the Enſigns of the *Vicarius Britanniarum*, and commonly upon the Books of other ſuch Counts and Dukes in the *Notitia*. What they mean I ſufficiently underſtand not. But *Pancirollus* conceives them as if they had been ſigles and parts of words ſo well and commonly known in the Office of the Court of Notaries, or of the Clerks of the Crown, that it needed not they ſhould be more largely expreſſed. The words he thinks are theſe; *Fœlix liber injunctus Notariis Laterculi continens mandata ordine Principis* or *Primicerii*, which was the Maſter or Preſident of the Clerks of the Crown. *The Empire.*

[c] *Ad Notit. Orientis cap 92. & 159.*

The Government of this Count was, it ſeems, in the Southern Parts of the Iſland. He had with him, at the time when the *Notitia* was written, about MMM foot and DC horſe; and though there were a Duke beſides (as is anon ſhewed) yet, it ſeems, all that part of *Britain* which the *Romans* then had was generally under his care, and the Duke's Government was added for aſſiſtance to him. For after his Enſigns in the *Notitia*, the whole Province is expreſly thus placed under his Government, as his Enſigns alſo denote.

Sub diſpoſitione viri ſpectabilis Comitis Britanniæ.

Provincia Britanniæ.

And then for his Officers.

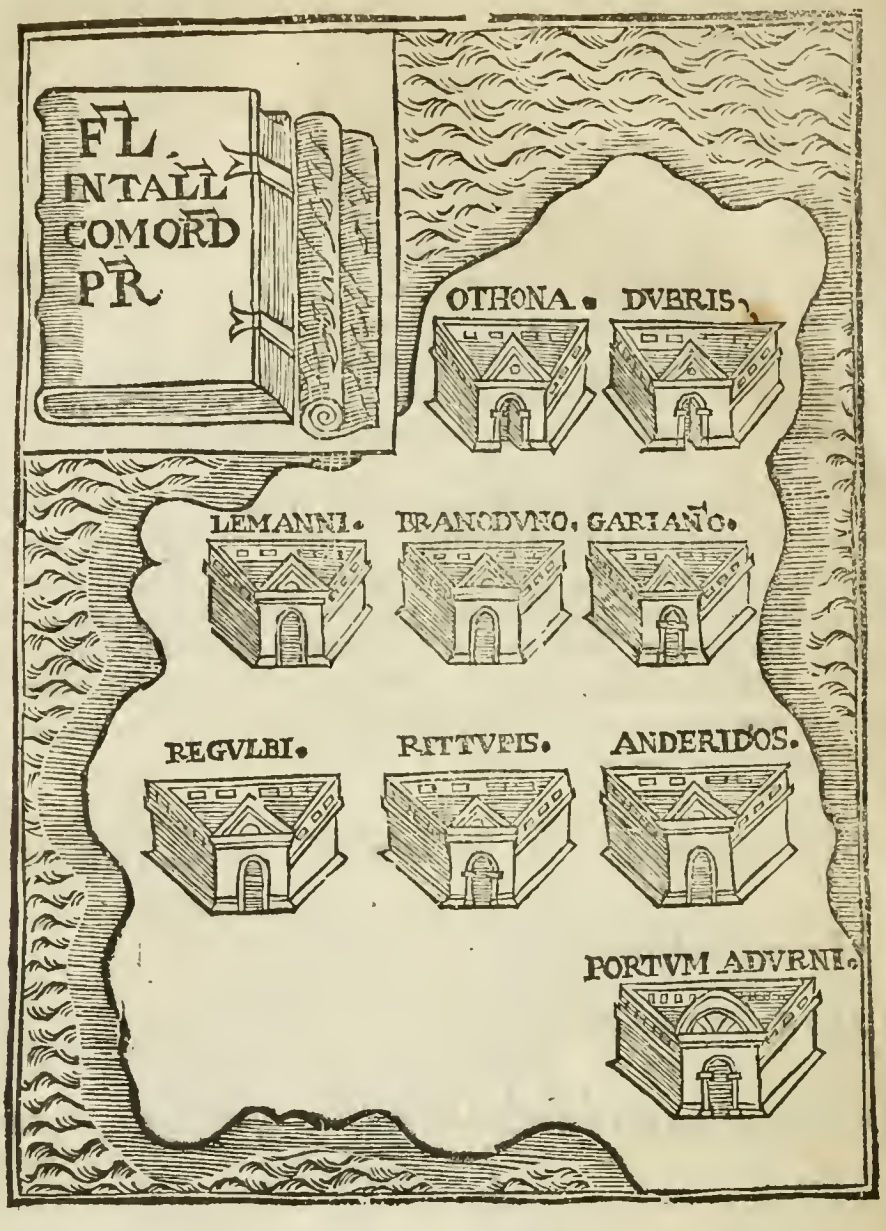
Officium autem habebat idem Vir ſpectabilis, Comes *hoc modo:*

Principem ex officio Magiſtri Militum præſentalium alternis annis.
Commentarienſem ut ſupra.
Numerarios duos, ſingulos ex utroque officio ſupradicto.
Adjutorem.
Subadjuvam.
Exceptores.
Singulares & reliquos officiales.

The *Cornicularius* and *Regerendarius* are wanting here which other Counts moſt commonly had. But *Pancirollus* imputes that to the negligence of the Tranſcriber of the *Notitia*.

The *Comes littoris Saxonici* was as Admiral of that time, and placed againſt the Maritime incurſions of the *Saxons*, or thoſe of the Weſt part of *Germany*, that were known moſt commonly by that name. His Enſigns were IX Maritime Towns, but thus placed on the form of the

The Empire.



whole Iſland. That which appears in his Enſigns, beſides the Towns names, may be well known from what is already ſaid touching the Enſigns of other Officers in that time. And for his Garriſons; he had under him about MMCC foot and CC horſe, with his Officers both together thus expreſſed.

Sub diſpoſitione Viri ſpectabilis Comitis Littoris Saxonici *per* Britanniam.

Præpoſitus numeri Fortenſium, Othonæ.
Præpoſitus militum Tangricanorum, Dubris.
Præpoſitus numeri Turnacenſium, Lemannis.
Præpoſitus Equitum Dalmatarum Branodunenſis, Branoduno.
Præpoſitus Equitum Stableſiani. Garianonenſis, Garianono.

Tribunus

Tribunus Cohortis primæ Vetaſiorum, Regulbio.
Præpoſitus Legionis. II. Aug. Rutupis.
Præpoſitus numeri Abulcorum, Anderidæ.
Præpoſitus numeri exploratorum, portu Adurni.

The Empire.

Officium autem habet idem vir ſpectabilis Comes *hoc modo.*

Principem ex officio Magiſtri Præſentalium à parte peditum.
Numerarios duos ut ſupra, ex officio prædicto.
Commentarienſem ex officio ſupradicto.
Cornicularium.
Adjutorem.
Subadjuvam.
Regerendarium.
Exceptores.
Singulares & reliquos officiales.

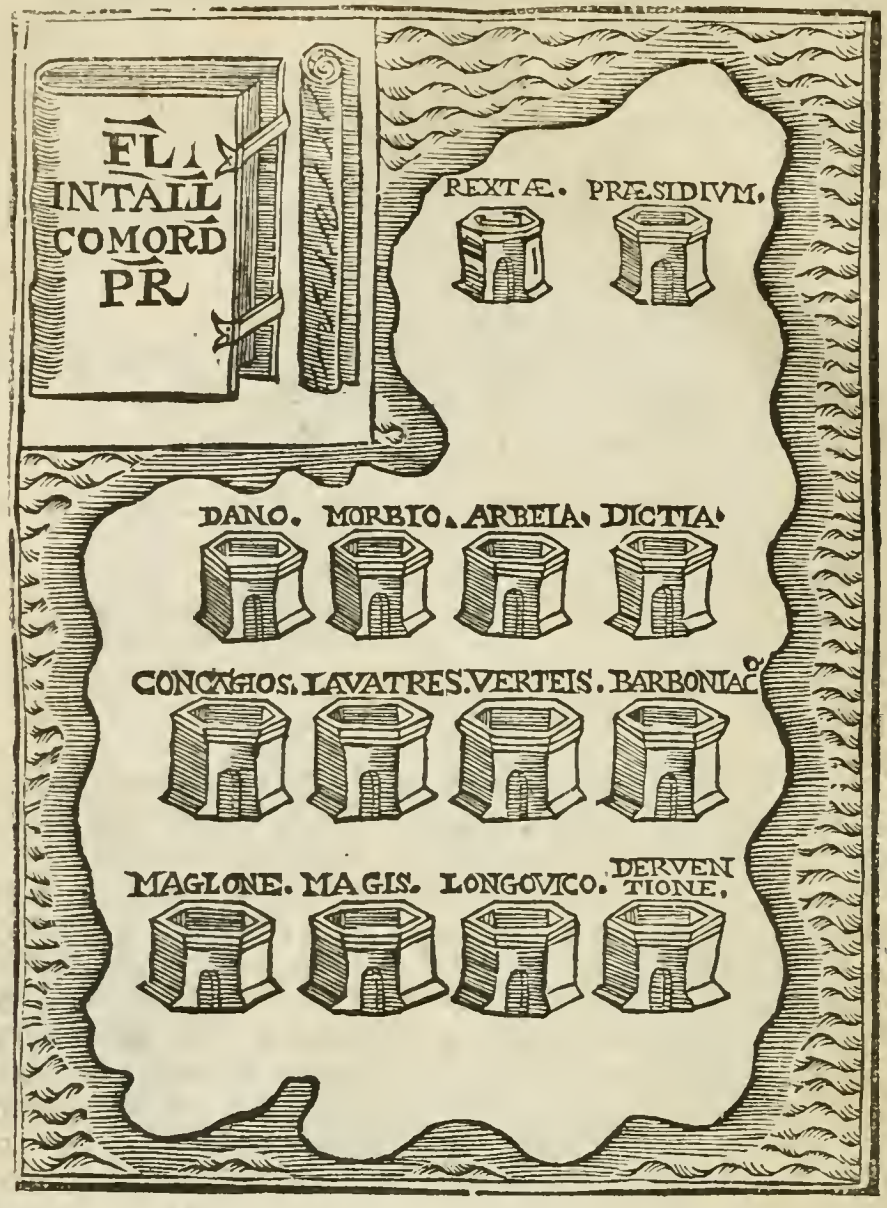
For the Maritime Towns of this Iſland mentioned here; *Othonâ* is conceived by ſome learned men to have been in the Hundred of *Dengy* in *Eſſex*, in the ſame place or near where Saint *Peters in the wall* is. *Dubris* was **Dover**, *Lemmani* or *Lemmanis* (which is *Portus Lemmanis* in *Antoninus*, and λιμὼ in *Ptolomy*, but not, it ſeems, as the word λιμὼ is ſignificant in *Greek*, [d] but as it was made from the *Britiſh* name) **Lime** or **Limehill** in *Kent*, as alſo *Regulbium*, **Reculver**, and *Rutupis* either **Sandwich** or **Richborrow** near **Sandwich** on the ſhore of the ſame County. And *Anderida* is taken for **Newenden** in *Kent*. How ever, it ſeems certain, that it was ſome Maritime Town either of *Kent* or *Suſſex*. For **Audredeſwald** which occurrs in the old *Annals* of *England*, for the Wild of *Kent* and *Suſſex*, may juſtifie ſo much by the affinity of ſound. *Branodunum* is taken for **Brancaſter** in *Norfolke*, and *Gariano* or *Garianorum* for *Yarmouth*. And that *Portus Adurni* is ſuppoſed to have been **Edzington** in the ſhore of *Suſſex*.

[d] *Videſis V. C. G. Camden in Cantio pag. 246. & reliquarum oppidorum nomina apud eum habes fuſiùs explicata, ſuo nempe quadlibet loco.*

The *Dux Britanniarum* had for his Enſign XIV Towns, but thus placed alſo as upon the whole Iſland with his Book of Inſtructions and Letters of Creation or Commiſſion, as the Counts and other Dukes. His Gariſons and Officers are thus deſcribed.

Sub

The Empire.



Sub dispositione Viri spectabilis Ducis Britanniarum.

Præfectus legionis sextæ.
Præfectus Equitum Dalmatarum, Præsidio.
Præfectus Equitum Crispianorum, Dano.
Præfectus Equitum Catafractariorum, Morbio.
Præfectus numeri Barcariorum Tigrisiensium, Arbeia.
Præfectus numeri Nerviorum Dictensium, Dicti.
Præfectus numeri Vigilum, Concangios.
Præfectus numeri Exploratorum, Lavatres.
Præfectus numeri Directorum veterum alias *Veneris.*
Præfectus numeri Defensorum, Braboniaco.
Præfectus numeri Solensium, Maglovæ.
Præfectus numeri Pacensium, Magis.

Præfectus

Præfectus numeri Longovicariorum, Longovico.
Præfectus numeri Derventionſis, Derventione.

The Empire.

Item per lineam Valli.

Tribunus Cohortis quartæ Lergorum, Segedunó.
Tribunus Cohortis Corvoviorum, ponte Aelii.
Præfectus Alæ primæ Aſtorum, Conderco.
Tribunus Cohortis primæ Frixagorum, Vindobala.
Præfectus Alæ Savinianæ Hunno.
Præfectus Alæ ſecundæ Aſtorum, Cilurno.
Tribunus Cohortis primæ Batavorum, Procolitia.
Tribunus Cohortis primæ Tungrorum, Borcovico.
Tribunus Cohortis quartæ Gallorum, Vindolana.
Tribunus Cohortis primæ Aſtorum, Aeſica.
Tribunus Cohortis Secundæ Dalmatarum, Magnis.
Tribunus Cohortis primæ Aeliæ Dacorum, Amboglanna.
Præfectus alæ Petrianæ, Petrianis.
Præfectus numeri Maurorum Aurelianorum, Aballaba.
Tribunus Cohortis ſecundæ Lergorum, Congavata.
Tribunus Cohortis primæ Hiſpanorum, Axeloduno.
Tribunus Cohortis ſecundæ Thracum Gabroſenti.
Tribunus Cohortis primæ Aeliæ Claſſicæ Tunnocelo.
Tribunus Cohortis primæ Morinorum, Glannibanta.
Tribunus Cohortis tertiæ Nerviorum, Alione.
Cuneus Armaturarum, Bremetenraco.
Præfectus alæ primæ Herculeæ, Olenaco.
Tribunus Cohortis ſextæ Nerviorum, Veroſido.

Officium autem habet idem Vir ſpectabilis Dux *hoc modo.*

Principem ex officiis Magiſtrorum Militum præſentalium alteris annis.

Commentarienſem utrunque.
Numerarios in utriſque officiis omni anno.
Adjutorem.
Subadjuvam.
Regerendarium.
Exceptores.
Singulares & reliquos officiales

Thoſe

The Empire.

Thoſe Towns expreſſed in the old Names were of the more Northern Parts. *Sexta* (they ſay) was York; *Præſidium*, Warwick; *Danum* Doncaſter; *Arbeja* and *Morbium*, Derby, *and* Worcesby in *Cumberland*; and the reſt noted in the Enſigns and by the wall (the *Picts wall* is underſtood by it) may be had out of Maſter *Camden*'s moſt probable conjectures. But hence it may well enough be concluded that this Dukes Government was in the inner parts of the Iſland, and upon the Northern Frontiers of that which the *Romans* had; and ſo, that of the *Comes Britanniarum*, chiefly in the Southern Parts. And in the times that were but little before the *Notitia*, it ſeems, there was only a *Dux Britanniarum* (that executed both theſe Offices of *Count* and *Duke* of *Britain*) and a *Comes tractus Maritimi*, which was the ſame with that *Comes littoris Saxonici* before mentioned. For under *Valentinian* [c] I. *Nectardus* was the Count of the Sea-coaſt or Maritime Marches, as they then called it, and *Buchobaudes* firſt, and then *Theodoſius*, were Dukes of *Britain*. This Duke by the account made out of the *Notitia*, had XIV. M foot, and DCCCC horſe, which reckoned with thoſe that were with the two Counts, make XIX. M. CC foot, and M. DCC horſe for the number of ſuch as the *Romans* then, under thoſe Counts and this Duke, maintained in this Iſland.

[c] *Amm. Marcellin. lib. 27. & 28.*

And thus much of the ſeveral kinds of Honorary and Officiary Counts and Dukes, and of their Original in the old Empire before thoſe Titles became Feudal.

XXII. But ſome learned men endure not that the Original of theſe Titles of *Dux* and *Comes* (I mean of the nature of them) ſhould be drawn from the old Empire into *Germany*, where the Empire now is; but rather will have it that the old Empire had the Nature of them, and the firſt uſe of them, (eſpecially of *Comes*) from the *Germans* by imitation of what was obſerved among them after the *Romans* were accuſtomed to their manners. It appears indeed in *Tacitus*, that divers Princes in *Germany* had their Government of ſeveral Territories aſſigned them, and held their Courts in them, and had every one at leaſt a C *Comites* or followers that were Counſellours and Aſſiſtants to them; and the honour of every of them was according to the multitude and courage of thoſe *Comites*. *Tacitus* his words are; *Eliguntur in Conciliis & Principes qui jura per pagos vicóſque reddunt. Centeni ſingulis ex plebe* Comites, *conſilium ſimul & autoritas adſunt.* And then he ſaies that Blood and Vertue gave the title alſo of Prince to ſome ſuch as were of thoſe *Comites*, and among them alſo there were ſeveral ranks. So is that which follows in him to be underſtood. *Inſignis nobilitas* (ſaith he) *aut magna patrum merita Principis dignationem etiam adoleſcentulis aſſignant. Cæteris robuſtioribus ac jampridem probatis aggregantur. Nec rubor inter* Comites *aſpici. Gradus quinetiam & ipſe* Comitatus *habet judicio ejus quem ſectantur. Magnáque &* Comitum *æmulatio, quibus primus apud Principem ſuum locus; & Principum cui plurimi & acerrimi* Comites. *Hæc dignitas, hæ vires, magno ſemper electorum juvenum globo circundari, in pace decus, in bello præſidium.* And the number and bravery of theſe followers, was the chief glory of thoſe Princes which had them. And *Chonodomarius* King of the *Almans*, under *Conſtantius* the younger, had of this kind CC *Comites* as we ſee in [f] *Marcellinus* that notes them by a diſtinct title from ſuch as were only *amici*. *Comites ejus ducenti numero & tres amici junctiſſimi.* Out of this uſe among

[f] *Hiſt. lib. 16.*

among the *Germans*, some of the *Dutch* [g] would deduce the title and use of *Comes* into the old Empire; as if the *Romans* (with whom indeed it appears not to have been Honorary or Officiary, until after the *Germans* were known to them) finding these Counts in *Germany* by the name of **Graben**, which they understand to have been in those times as at this day the *German* word for Counts, had turned it significantly into *Comites*, and then by imitation had taken the like dignity into use in the Emperours Court, and that *Duces* came so likewise from their **Hertzogen** as they call Dukes at this day. But I observe not the *Romans* to have been such imitators of Forreign Nations. They gave Laws and Customs, but rarely took any. And the conjecture may please, but I cannot assent to it. It had been equally probable if not more, to draw it from the *Gauls*. For among them every great man according to his worth had his like followers, whom they called *Ambacti*, as *Cæsar* [h] tells us. *Eorum ut quisq; est* (are his words) *genere copiisq; amplissimus ita plurimos circa se Ambactos Clientesq; habet. Hanc unam gratiam potentiámq; noverunt.* This is in substance the same that *Tacitus* speaks of the *Germans*. And if their Tongues were the same in those Times, it is very likely that the *Comites* that *Tacitus* speaks of, were called *Ambacts* also. And I remember it noted that in old *Dutch*, **Ambachte**, is translated *Comitatus*; as [i] *In* **Engelbrechtes Ambachte**, *In Engelberti Comitatu.* But, this by the way. The Title of *Dux* and *Comes* thus shewed, as they were in the antient Empire, the Nature and Original of Feuds, with which they were at length, as at this day, commonly joyn'd, succeeds here.

The Empire.

g *Ph. Cluverius Germaniæ lib. 1. cap. 48 & ante eum* Udalricus Zassius & Rutgerus Rulandus *ut videre est apud* Besold. *discurs. politic. 4. cap. 4. § 1.*

h *De bello Gallic. lib. 7.*

i *Apud Freber. Orig. Palatin. lib. 1. cap. 5. & de Ambacto, videsis Jos. Scalig. ad Festum.*

XXIII. *Feuds* or *Feuda* (being the same which in our Laws we call Tenancies or Lands held, and *Feuda* also; which is but the same word in our *feoda militaria*) are possessions so given and held, that the possessour is bound by Homage or Fealty to do Service to him (or those which derive under him) from whom they were given. And the Services that are to be performed by the Tenants of these Lands are various. And frequently Rents as well as other Service are due out of them to the Lords of whom they are held. But although *Feudum* or *Feud*, be taken to interpret the very word *Beneficium*, and of it self originally to signifie no more, yet that which really gives it the Nature and Notion that is now fixt on it, is the Bond [k] of Homage or Fealty between the Lord and the Tenant. For without that Bond, no possession (though it pay Rent or other satisfaction upon any Contract, either Censual, Emphyteuticary, or the like) can be a Feud.

k *Vide Cuiac. observat. lib. 8. cap. 14. Præter eos qui ex professo de Feudis volumina scribunt, vide Bodin de Repub. lib. 1. cap. 9.*

Whence this use to give Lands by such a Right, originally came, is much disputed. Some fetch it from the antient Right of Patrons and Clients in *Rome*. But there was only a kind of Bond between them, but no possession held by that Bond. Others derive it from the *Roman* deduction of Military Colonies into subdued Countries, so the better to preserve what was won to the Empire. Others otherwise. But among the *Romans* I see not any thing so near the just nature of Feuds as those possessions which were given to such as were their *Duces Limitanei*, or Dukes of Frontiers in the Empire, and to others that spent their time with them in defence of those Frontiers, to be held only under Military Service. And of those we find express mention under *Alexander Severus*. He (saith *Lampridius*) gave such Territories as were gained in the Frontiers, *Limitaneis Ducibus & Militibus, ita ut eorum*

Circa an. Christi 220.

The Empire.

eorum ita essent si hæredes illorum militarent, nec unquam ad privatos pertinerent; dicens attentiùs eos militaturos si etiam sua rura defenderent. Addidit sanè his & animalia & servos; ut possent colere quod acceperant ne per inopiam hominum vel per senectutem possidentium desererentur rura vicina Barbariæ quod turpissimum esse ducebat. Here we see that Lands were given to be possessed to them and their Heirs, under the tenure of Military Service to be performed by them. So *Probus* gave much Land in *Isauria* to his old Souldiers, *addens* (as *Vopiscus* saies) *ut eorum filii ab anno decimo octavo mares duntaxat ad militiam mitterentur.* And of this kind were the *agri militibus assignati* which are mentioned by [l] *Ulpian.* Some other like Examples are. And so to the time of *Alexander Severus*, an Original or some use of Feuds in the Empire may be well referred. As also a kind of joyning them with the Title of *Dux*; but not the making of that Title Feudal or perpetual as annext to the Feud given. For I conceive not that the *Duces* themselves kept their Offices or Names the longer by reason of their Feuds, much less transmitted it to their Heirs. Only the Feuds were given as Rewards to them and their Heirs under the tenure by Military Service, which continued after the Name and Office ended. It is very likely also, that the same course was in the following times used as well to Counts and Dukes (being to this purpose of the self same nature) in their several Frontiers commited to them. But the annexing of those Dignities to Feuds, and so making them also Feudal, is of another Original. Nor was the use of making them Feudal in the Empire, antienter than the Translation of it to *France.*

[l] L. 15. *item* C. 1. *Item si.* ff. *de rei vendicatione:* & L. *Lucius* 11 ff. *de Evictione.*

The use of Feuds also was very frequent among those Northern Nations which overran the most of all *Europe*, about the time of the declining Empire. And the power and glory of their Princes consisting in the multitude of such as were devoted to live and die with them, the bond of such devotion was made chiefly by such gifts of possessions as created a Feudal right between the Giver and the Possessour, confirmed also by an Oath of the Possessours part which bound[m] him both to be faithful to the Giver and also assistant to him. And there is a plain taste both of the frequency and antiquity of Feuds among those Northern Nations in that of the *Cimbri* (which is the most comprehensive name of them) when being precluded out of *Spain* and *Gaule*, they petitioned the State of *Rome*, that they might have Lands given them to be held of the State by Military Service, as if such kind of gifts had been ordinary among the Princes of their Countries. *Ut Martius Populus aliquid sibi terræ daret* (saies *Florus*) *quasi stipendium; Cæterum, ut vellet, manibus atque armis suis uteretur.*

[m] *Videsis Sigon. de regno Italiæ lib.* 3. & 7. & Hieronym. Rubeum *in Hist. Raven. lib.* 4. & *Feudorum lib.* 2.

And although there were some use of Feuds in the Empire before the incursions of those Northern Nations in the declining Times, yet we may more fitly attribute the Original of the common use of Feuds through all the Western and Southern Parts of *Europe*, to those Nations. And to them also the first annexing of Feuds to the Dignities of *Dux* and *Comes* is justly to be referred. For those Dignities, as they were Officiary, they found in all or most of the Provinces where the *Romans* had been, and they annexed them to Feuds, and so used those *Roman* Names as they did otherwise the Language of *Rome* in their Charters, Laws and such like, though not without much abuse and spoil of the neatness of it. But the *Lumbards* in *Italy* being a great part of those Nations, and in their own nature being chiefly warlike

(when

(when they found those two Titles in use, and that the power joyned to both was frequently equal, and that the Title of *Comes*, as it had relation to the Court, and when it was of the first rank was better than *Dux*, and that yet *Dux* was the more expressing Title of a Governour that had Garrisons with him) so preferred the name of *Dux*, that their chiefest dignity thus given in their Kingdom, in feudal right, was *Dux*; and that of *Comes* was at first left not only inferiour, but often also subordinate to it, and given [n] to the Judges and Civil Governours of Cities or small Territories, that were part either of Duchies or other Provinces of their Kingdom. And the first joyning of the Title of *Dux* with a Feud, and so making it perpetual (being before temporary or at will only) was in that of *Alboinus* the first King of the *Lumbards*, his making *Friuli* and the Province about it a Duchy, and giving it to *Gisulfe* his Nephew. *Regio* (saith *Sigonius*) *in formulam Ducatus redacta, & Gisulfus nepos ejus Dux institutus; ac familiæ Longobardorum, quas ille depoposcit, concessæ. Hinc* Ducatus Forojulienſis *nomen inclaruit. Atque hic primus fuit qui perpetuam in* Italia *ditionem* Dux *institutus adeptus sit.* Thus under him and his Successours before *Charles* the Great, began also the Duchies of *Spoleto*, *Tuscany*, *Benevento*, and others in *Italy*. And as soon as the *Lumbards* had gotten the Territory of the *Eparchat* of *Ravenna*, it was erected into a Feudal Duchy by King *Luitprand*.

The Empire.

n *Videsis Feud. lib. 2. tit. 27. §. 2. & c. &* Hotoman. *de verb. Feudalibus, in* Comes.

And as the *Lumbards* in *Italy*, chose *Dux* rather than *Comes* for their highest Title under the King, so in some Parts of *France*, of *Germany*, and of other Countries also (where those Northern Nations planting themselves had found the Provincial Names of *Dux* and *Comes*, as they denoted Governours of Provinces) *Comes* being apprehended to be every way, at least as honourable a Title as *Dux* (it was indeed greater in the old Empire) was retained also, among such as were subordinate, as a Title of highest dignity, and so annexed to Feuds, as *Dux* in *Italy*. And oftimes both that and *Dux* were taken for so much the same, that there was no difference of their Dignities designed by them. For though in *Italy* chiefly under the *Lumbards*, and elsewhere also, the highest of these were for the most part *Dux*, and that of *Comes* were frequently subordinate to it (as in that Law of the *Bavarians*, [o] *Si talis homo potens hoc fecerit quem ille Comes distringere non potest, tunc dicet Duci suo, & Dux ille distringat secundum legem*, and in divers such, whence it appears, that Dukes [p] had Counts under them, as Archbishops have the Suffragans of their Provinces) yet also there were frequently in those Times, *Comites qui super se Ducem* [q] *non habebant*, and *Comites* [r] *qui post Imperialis apicis dignitatem populum Dei regebant.* And as in the old Empire there were Counts of the first, second, and third rank, that were distinguished by those ranks also in their Offices annext to their Dignities, so after the connexion of Feuds with those Dignities, among those Northern Nations, there were divers Counts Equal with Dukes, and there were also Counts Inferiour to them. Counts Equal to them (and such as were indifferently titled Counts or Dukes) had whole Provinces with like power to Dukes and were immediately subject to the King or Emperour that made them. Counts Inferiour were such as were either subordinate to Dukes, as Judges or Presidents of Parts of their Provinces, or being immediate to the Emperour, had yet no other Dignity and Office, meant by that name, than

o *Leg. Bavar. cap. 5. art. 8.*

p Walafrid. Strab. *de rebus Eccles. cap. 31.*

q *App ad Fredegar. apud. Bignon. in Marculph.*

r *Synod. Cabillon. 2. cap. 20.*

The Empire.

the Judge or Preſident of ſome City or ſmall part of a Province committed to them. Such inferiour Counts were the *Comites Civitatum* that frequently occur in the Laws of the *Weſt-Goths*, the *Judices fiſcales* called Counts in the Laws of the *Ripuarians*, and ſuch like. And thoſe greater Counts are ſuch as are meant in the Teſtimonies but now cited, and in *Ditmarus** where he ſays that in *Burgundy*, *nullus vocabatur Comes niſi is qui Ducis honorem poſſidebat.*

* *Chron. lib. 7.*

Theſe names thus taken into uſe among thoſe Northern Nations, and joyn'd with Feuds in the Countries of *France*, *Italy*, *Germany*, and elſewhere in that which hath been ſince, the Weſtern Empire, continued ſo in them until *Charles* the Great, who being King of all thoſe parts was made Emperor, and retained the former uſe in them. And ſo came theſe dignities to be firſt Feudal in the Empire. And though in the later Empire of the Eaſt, whence this of the Weſt was tranſlated; the names of *Dux* and *Comes* were of uſe for ſome Marine Officers (as in Μέγας Δὺξ, or *Great Duke*, who was as our Lord Admiral, and had power over the *Protocomes* and *Comites* that were alſo Marine, as alſo otherwiſe) yet we find no ſtep of making them feudal there, or annexing them to Territories, unleſs we believe that which *Nicephorus Gregoras* † tells us of *Conſtantine* the Great his making *Athens* and the Territory there a Duchie, and giving the title of Great Duke, or Μέγας Δὺξ, to the Lord of it. But this *Nicephorus* hath not warrant for it, but being a *Grecian* of the later ages hath herein, as in ſome other things of like nature, too boldly affirmed what ſome light traditions perhaps afforded him. For of the ſame kind is that which he ſays of the Lord of *Peloponneſus*, being made Prince by that *Conſtantine*, the Lord of *Sicily*, *Rex*, of *Bœotia* and *Thebes*, *Magnus Primicerius*, and ſuch like; as if thoſe names had been ſo long ſince annexed to theſe Territories. And although they had in the Eaſt their ‡ κτήματα στρατιωτικὰ, or *Military poſſeſſions*, which were as Feuds; yet I find not any Conjunction of theſe dignities with Feuds uſed among them. The frivolous deduction of *Comes* and *Comitatus*, *à comminando*; § and the reſt of that nature I omit here; it being thus plain, that from the title of *Comes* ſo derived out of the old Empire into thoſe Nations that joyn'd it with Feuds, the title of *Comitatus* was made for the Territory or Feud, as alſo, in the abſtract, for the dignity of a Count; as *Ducatus* for a Duchy, from *Dux* alſo.

† *Hiſt. Rom. lib. 7.*

‡ *Harmenopul. Prochir. lib. 1. tit. 16.*

§ *Vide* Othonem Friſingenſ. *de geſt. Fred. 1. lib. 2. cap. 12. Autor. de Regim. Princip. lib. 3. cap. 22. &c.* Hotoman. *verb.* Feud. *in* Comes.

Since the Empire tranſlated to the *French* in *Charles* the Great (under whom the uſe of Feudal dignities was common enough, as they were alſo before him in the Kingdoms of *Italy*, *France*, *Germany*) not only thoſe titles of Duke and Count (or Hertzog and Graue, as the *Dutch* call them) but divers others alſo were annext to Feuds; the chiefeſt of them being made out of Duke and Count, or Hertzog and Graue by addition; as Ertzhertzog Great Duke, Pfaltzgrave, Landtgrave, Marcgrave, or Marqueſs, and ſuch more. And whereas thoſe titles of Duke and Count, and ſome others were not commonly hereditary in the *French* Empire; after it was tranſlated to *Germany*, into ‖ *Otho* the Great, they became both to be more frequently given, and commonly alſo thus far hereditary, that the Feuds and dignities deſcended to the iſſue male of them that were firſt inveſted with them, and afterward ✕ under *Conrad* II. the inheritance of them was extended to the grand children, and ſince that time as well to Females as Males generally of the blood, and in perpetual Succeſſion to Prelates or otherwiſe according

‖ *Circa A. D. 970. vide* Sigon. *de Regno Italiæ lib. 7. an. 973. & Feud. lib. 1 tit. 1 atq; ibi* Cujacium, *&c.*

✕ *Circa An. D. 1030.*

according to the limitations of the first grant. But the course of inheritance of Feuds and the title annext to them, hath been and is various in *Germany*. And for that, I had rather send the reader to the Feudists as also especially to *Andrew Knichen*, in *Jus Saxoniæ*, *verbo Duc.* and to *Henricus Brulæus* his Book *de Renunciandi recepto more modóque quem Germaniæ Principum, Comitum, Baronum, Nobiliúmq; filiæ, si quando nuptui collocantur, secundum ritum consuetudinem & Statuta patriæ, salubriter introducta, observare solent*, and to *Gregorius Rolbagius* his *Illustre certamen Masculo-fœmineum* touching the excluding of women from succession into feudal dignities, than here say more of it. In these he shall have store enough, of what concerns the disputations belonging to this point. *The Empire.*

And with those great titles, Jurisdiction and power of government have been usually given in the Empire, or **die hohen landts obrig und herligheit** (as they call it in *Germany*) or *the Sovereignty and Dominion over the Province that is so given*, together with the Royalties of the Territory, as Tolls, Customs, Mines, Fishings, Forrests, and such like. And although frequently in *Germany*, by reason of the title of *Duke, Count, Marquess*, **Landtgrave**, and such like given to every son of him that hath his Province, or Dukedom, or Earldom with the title of Duke or **Graue**, we have Dukes, **Graues**, and other of such great dignities, denominated from Provinces or Territories, that have neither jurisdiction nor territory necessarily or really annext to their title, yet the ancestors at least, from whom they derive those titles (saving in some few cases, some of which are remembred anon, where we speak of the title of **Graue**) regularly had territories and jurisdiction in them. *Nemo Principum reperitur* (saith *Andrew*[y] *Knichen* Chancellor of the Duchy of *Saxony*) *in Germania qui Dux, Marchio vel Princeps dicitur* (the word *Princeps* or **Furst**, as they name it, generally comprehending all the feudal dignities of the Empire from a Baron or **Freyheer** inclusively upward; as is anon shewed) *Cui non realitas territorrii respondeat, vel ditio ab ipso non possideatur, vel saltem à majoribus suis non fuerit possessa.* This he regularly delivers, though he have before a singular example of the title of Duke in the Empire, which from the first Creation hath had no territory. *Talem Ducatum* (saith he, speaking of Duchies, or the dignity of Dukes in other Countries without territories) *obtinuit* Bertoldus *de* **Zeringen** *qui vacuum nomen Ducis gerens id quasi hæreditarium posteris reliquit. Omnes enim usq; ad præsentem diem Duces dicti sunt nullum Ducatum habentes, solóq; nomine sine re, participantes.* And the Province or Territory thus given with the name of *Dux* or **Hertzog** was and is a Duchie or **Hertzogthumb**; with the name of *Comes* or **Graue** a **Graffshaft** or County, with the title of **Marcgrave** or Marquess, a **Margraffshaft** or Marquisate. The like is to be said of the rest of them. The beginning of those Titles of *Dux* and *Comes*, and of annexing them with the rest to Feuds, thus far being declared; we come more particularly to the Continuance, Creations and investitures of them, with the more especial Ornaments and Ensigns belonging to them. And first of the dignity of *Duke, Archduke*, and *Great Duke*.

[y] *Com. ad Jus Duc. Saxon. c. 4. et de rebus hisce, vide* Tob. Paurmeister. *de Jurisdi. Imp. Rom. lib. 2 cap. 16.* Matth. Stephan. *de Jurisdict. lib. 2 part. 1. cap. 5. &c.*

XXIV. That of *Duke* having been, since the beginning of the *French* Empire, much propagated; they say there are four Duchies the most eminent or **die vier hohen hertzogthumb**, *the four high Duchies*, although

The Empire.

although they agree not in the names of them. For some reckon them to be *Burgundy*, [z] *Bavier*, *Brunswick* and *Austria*. Others *Brunswick*, *Bavier*, *Suevia* and *Lorrain*. Some otherwise. But in the old Laws of *Saxony*, we read, that [a] *Quælibet Provincia Theutonicæ terræ suum habet Palans-gravionatum* (touching which word, more where we speak of Counts *Palatin*) *Saxonia*, *Bavaria*, *Franconia*, *& Suevia*, *quæ antequam à Romanis superabantur*, *Regna fuerunt à quibus ipsis in Ducatus nomina fuerunt permutata*. Here are some principal Duchies named. But not without a gross error attributed to the *Romans*; if the word *Romans* signifie here any other than *Charles* the Great and his Successors. But as of their Duchies, four are said to be the chiefest, so also out of their Counties or **Graffschafts**, *Landgraviats*, *Marquisats*, and most other dignities in the Empire, the like number is made to the same purpose. And the beginning of these selected numbers of four, is by some attributed to *Otho* III. Others place it otherwise; and it is uncertain. As also is the original of their word **Hertzog** for *Dux* or Duke, though perhaps that from **Ein Heer deß Zugs** [b] as if you should say, *Præfectus* or *Magister expeditionis*, be most likely. And so it may signifie *Dux* in such sense as *Dux* was used in the antient Empire, where it had relation to such forces as were committed to him that by this name had any government.

z New Teutsch Buch pag. ~. & vide Onuphr. de Comitiis Imp. cap 13. Tob. Paurmeist. de Jurisd. lib. 2. cap. 10. & 14. Matth. Stephan. de Jurisd. lib. 2. part. 1. cap. 4. §. 10. &c.

a Spec. Sax. lib. 3. Art. 53.

b Videsis Matth. Stephan. de Jurisdict. lib. 2. part. 1. cap. 6. § 56. & cap. 6. membr. 2. in initio. Adi etiam Philipp. Cluverium in German. Antiquit. lib. 1. cap. 46.

In the elder times about the beginning of the *French* Empire, a Duchie consisted specially of XII Counties, and so a Duke had XII Counts under him which must be understood of those inferiour sort of Counts, touching whom, enough is already said. *Pipinus Grifonem*, *more Ducum*, XII *Comitatibus donavit* saith an [c] old Author of the *French* Story, speaking of the parts of *Normandie*, as if the government of a Duchy had usually been distinguished by such a number of Counties; whence also in those elder times when the Duchie of *Friuli* was taken from Duke *Baldricus*, it was divided by the Emperor *Lewis* the first, *in ter quatuor Comitatus* (and so preserved in the form of a Duchie, though in the Emperor's hands) as [d] some read the passage of it in [e] *Aimoinus*, though in the best Editions we read *inter quatuor Comites divisa est*. But howsoever this of XII Counties were in those times in some use, and be taken by some learned men to have been almost essential to a Duchy, yet it is plain that both before and after the beginning of the *French* Empire, Dukes often had no such constant number under them. For the time before; we may see in *Gregory* [f] of *Tours*, that sometimes two, sometimes three Counts only were subject to a Duke. And for the ages since; we find not that in Dukedoms any regard hath been of this number. Only it appears that some Counts and Marquesses also were (as at this day) under Dukes that had either power derived from the Emperour to make them, or had received from the Emperor Sovereignty over them together with their Duchies. But the number is uncertain. But of this kind of Counts, Marquesses, and of other such dignities under Subordinate Princes; somewhat more, after we have delivered those which are immediately subject to the Emperor.

c Aimoinus lib. 4. cap. 61. Et de ea re vide Hotoman. verb. feudal. in Duces & Douz. Annal. Holland. lib. 5. pag. 218.

d P. Pith. Adversar. lib. 1. ca. 8.

e Lib. 4. cap. 116.

f Hist. lib. 8. cap. 18. & lib. 9. cap. 7.

XXV. The chief Ceremony of Investiture, added to the Charter of the Emperors Creation of a Lay Duke in the elder times, and sometime also used without a Charter, was for the most part, the delivery of one or more Banners, or Bannerols; and that Ceremony was used not

not only in giving of Duchies, but other Provinces or Territories to Lay Marqueſſes, Counts and ſuch more, as Marquiſats and Counties. And as the Inveſtiture of them at Creations chiefly conſiſted in this Ceremony of delivery of Banners, ſo did alſo the ſurrender of them into the hands of the Emperor, and likewiſe the Inveſtitures or Livery of them to heirs. The teſtimonies thereof are full enough in the Writers of the Empire. When the Duchie of *Baviere* was ſurrender'd, and the Marquiſate of *Auſtria*, under *Frederick Barbaroſſa*, changed into a Duchie, both the Surrender and the Inveſtiture were ſo made. The Surrender of the Duchie of *Baviere*, by VII Banners, and the Inveſtiture that was at the Creation of the Duchie of *Auſtria* by two, as alſo the Inveſtiture of the Duchie of *Baviere* to the Duke of *Saxony*, by the ſame VII Banners. *Henricus major natu* (that is the Duke of *Baviere*, that was made Duke of *Auſtria*; [g] ſays *Otho Friſingenſis*) *Ducatum* Bavariæ, *per* VII vexilla *reſignavit*. *Quibus minori* (to *Henry* Duke of *Saxony*, who was then reſtored to the Duchie of *Baviere*, and had it by a kind of Livery, as heir to his Father) *traditis*, *ille* (that is the Emperor) *duobus vexillis Marchiam Orientalem* (or *Auſtria*) *cum Comitatibus ad eam ex antiquo pertinentibus reddidit. Exinde de eadem Marchia cum prædictis Comitatibus, quos tres dicunt, judicio Principum, Ducatum fecit, eámque non ſolum ſibi ſed & uxori cum duobus vexillis tradidit* (that is to *Henry* who had ſurrendred the Duchie of *Baviere*) *neve in poſterum ab aliquo ſucceſſorum mutari poſſit aut infringi, privilegio confirmavit.* And the ſame Authour in another place, *Eſt conſuetudo Curiæ ut Regna per* Gladium, *Provinciæ per* Vexillum *à Principe tradantur vel recipiantur.* And *Gunterus* [h] ſpeaking of *Frederick Barbaroſſa* his giving a Kingdom to one Brother, and a Dukedom to another.

The Empire.

[g] *De geſtis* Fred. I. *lib.* 2. *cap.* 32. &c.

[h] *Lib.* 1.

Ergo ubi Vexillo *partem, quam diximus, ille,*
Hic autem Gladio *regnum ſuſcepit ab ipſo;*
Hunc etenim longo ſervatum tempore morem
Curia noſtra tenet, &c.

So when *Caſimir* and *Buggiſlaw* Princes of *Pomerland*, received from *Frederick Barbaroſſa* the title of Dukes they were inveſted [i] *traditis Aquilis cum Bannerio*, or by a Banner of the Empire, and of the Province of which they were inveſted given into their hands. For the Imperial Banner [k] as well as that of the Province was delivered at the Inveſtiture of this Duchie. But in the [m] **Sachſen Spiegel**, a principal quality of a Feudal Prince of the Empire (touching the title of Prince of the Empire, more anon) is that he have his Inveſtiture by a Banner or **Fahn**, as they call it, or by a Scepter. The Scepter here is the cauſe why we before reſtrained the Inveſtiture by Banners to Lay Princes. For the Scepter belonged *chiefly to the Inveſtiture of ſpiritual men in Feudal Dignities, as the Banner to Lay. And the words of the **Sachſen ſpiegel** to this purpoſe are, *Imperator confert cum* Sceptro Spiritualibus, *&, cum* Vexillis, Secularibus, *feuda omnia illuſtriæ dignitatis.* Some memory is of it in the Inveſtiture of *Gualter Cronberg* Maſter of *Pruſſia*, and of the *Dutch* Order, wherein, beſides the Banners, the Emperors Scepter is offered to him to touch. *Cum autem* (ſaith *Georgius* [n] *Cæleſtinus*) *non tantum Eccleſiaſticus ſed & Politicus Princeps eſſet*, Sceptrum *quoq;* Imperiale *per* Cæſarem *ei tangendum dabatur.* But we find ſometimes Banners alone alſo in the Inveſtitures of Eccleſiaſtical perſons, as in the example

[i] Krantz. Wandal *lib.* 6. *cap.* 14.

[k] *Vide* Goldaſt. *Politic. Imp. part.* 6. *pag.* 363.

[m] *Spec. Saxonic. lib.* 3. *art.* 60. *& videſis* Matth. Steph. *de Juriſdict. lib.* 2. *part.* 1. *cap.* 6. §. 50. *ubi gloſſa ejuſdem loci.*

*Nam & laici interdum ſceptro inveſtiti; quod vide infra §. 29. ubi *Ducatus Lucæ* inſtitutus.

[n] *Hiſt. Comit. Aug. part.* 2. *pag.* 251.

The Empire.

example of the Archbiſhop of *Mentz* inveſted by fifty [o] Banners. And theſe Feuds given by the Banners are therefore called **Fahnlehen** or **Vanlehen** as if you ſhould ſay *Banner-fiefs*, or *Banner-fees*, or *feuda vexilli*, or *feuda vexillaria*. **Lehen** ſignifying a Territory or Province given as a fief or tenancy, and **Fahen** a Banner. Thence is the uſe of that word in the Golden Bull of *Charles* IV. where it is ordain'd that the Count *Palatine* of the *Rhine* in the Vacancy of the Empire ſhould exerciſe juriſdiction, preſent to Benefices, receive the Imperial Rents, and give alſo Inveſtitures of fiefs, *feudis Principum*, as the words are, *duntaxat exceptis & illis* [p] *que* **Vanlehen** *vulgariter appellantur quorum inveſtituram & collacionem ſoli Imperatori vel Regi Romanorum reſervamus.* And other examples of this uſe in the Inveſtitures [q] of ſuch dignities are in that of the Inveſtiture of the Dukes of *Pomerland* in M DXXX. at *Auſpurg* by *Charles* V. and of the Dukes of *Saxony* at the ſame place in M. D. XLVIII. where alſo the Solemnities of Court that otherwiſe concurr at ſuch Inveſtitures, are at large expreſſed. And if, at the Inveſtiture, any other Prince had laid claim to the dignity conferr'd, the uſe was, that at the very act of Inveſtiture or Delivery of the Banners, he laid his hand on them which ſupplied the continuance of his claim. So did the Elector of *Brandenburg*, in that [r] Inveſtiture of the Dukes of *Pomerland*. And other teſtimonies are of theſe things, and ſome more we ſhall uſe hereafter.

Some old teſtimonies alſo are of the title of Duke created by Inveſtiture with a Sword, as in that Creation of *Borſo* [f] Marqueſs of *Ferrara*, into the title of Duke by *Frederick* III. And the Creation of *Eberhard Grave* of *Wittenberg* under *Maximilian* I. at *Wormes* is thus deſcribed by *Joannes* [t] *Linturius*. *Rex Comitem ex ordine Comitum poſuit, & fecit illum* Ducem, *& primò* Pallium *Ducale, deinde* Pileum *Ducalem, tertiò* Gladium *Ducalem & Arma & titulum dedit.* Yet at theſe Creations there were Banners; and perhaps alſo they were uſed in the Inveſtiture, although there be not memory of ſo much in the relation made of them. The kiſſing of the Pommel of a Sword held by the Emperors was indeed uſual among the old Ceremonies after the delivery of the Banners. But I ſee not warrant enough to prove that the Inveſtiture of Provinces conſiſted at all antiently in a Sword, ſaving in the caſe of ſubordinate Kingdoms given by it.

The Banners were preſented to the Emperour ſitting in ſtate, and that by ſeveral Princes (after ſuch time as the Emperor was pleaſed to publiſh, that he would make the Inveſtiture, which was commonly done upon ſolemn petition made to him by ſome Princes alſo in the behalf of him that was to be inveſted, eſpecially in caſe of Livery of the dignity to an heir or legitimate Succeſſor) and then by the Emperour given ſeverally to the hands of him that received the dignity. But this cuſtom of Inveſtiture by Banners hath in the later times grown out of uſe. *Olim Feuda* (ſaith *Andrew Knichen* a great Lawyer of the Empire, meaning the **Fahnlehen**) *in publico conſeſſu cum vexillis ab Imperatore recognoſcebantur, tam ab Electoribus quam ab aliis Principibus, quod ante per paucos annos in deſuetudinem abiit.* So that now the Inveſtiture of Princes with ſuch dignities, juriſdiction, and Privileges belonging to them, is by Charter, with a Sword, or otherwiſe, beſides their ſolemn words of infeudation, as the Emperor's pleaſure is to declare it. See that of the Earl of *Rhodio* where we ſpeak of Counts of the Empire. And the moſt uſual form of Inveſtiture to an heir is, **wir** [u] **Keyſer N. belehen.**

o *Jo. Latom. Annal. Francof. ann.* 1349.

p *Ad hanc rem vide etiam Rupert. Imp. Conſtit. ap. Goldaſt. tom.* 1. *pag.* 382 *ann.* 1401.

q *Videſis Georg. Cæleſtin. Hiſt. Comit. Auguſt.* 1530. *part.* 2. *fol.* 246 *& ſeqq. & Goldaſt. Politic. Imperial. part.* 6. *pag.* 361. *&c.*

r *Cæleſtin. & Goldaſt. locis citatis.*

f *Fran Mod. Pandect. Triumphal. tom.* 1. *lib.* 4. *cap.* 14.

t *Append. ad Faſcic. Temp. ann.* 1495. *ſingularem autem illum & lepidiſſimum ritum inveſtiendi* Ducis Carinthiæ *habere licet apud* Æn. Sylvium *in Europa*, Jo. Candid. *de rebus Aquilegienſ. lib.* 7. & Bodin. *de rep. lib.* 1. *cap.* 8.

u Tob. Paur. meiſt. *de Juriſdict. lib.* 2 *cap.* 8. § 3. & Knichen. *Com. ad Jus Saxon. cap.* 4. *pag.* 120

belehen. N. N. mit dem Hertzogthumb, &c. (if it be a Duchie; and the same form serves in other Principalities conferr'd; the name only changed) Landen, Leuten, Lehen, Lehenschaften, Emptern, Stadten, Stucken und Gutern, Zollen, Glaiten, Schulden, Renten, Zinsen, Nutzungen, Gerichten Obrist und Nidrigst, Bergwercken, saltzwerken, Wildtfahnen sampt allen andern dergleichen Landtsfurstlichen Hoheiten, Regalien, Herrligkeiten, Obrigkeiten, Ehr, Wurden und Freiheiten, Gerechtigkeit, Gewonheiten, &c. that is, *We* N. *the Emperour do invest* N.N. *with the Duchie of, &c. and the Lands, Countries, Fiefs, Tenancies, Circuits, Cities, Divisions, Possessions, Tributes, Tolls, Rents, Profits, Commodities, high and low Jurisdiction, Mines, Saltpits, Forests, and all other Princely Severeignties of like kind, Royalties, Dominions, Superiorities, Honours, Dignities, Freedoms and Rights accustomed, &c.* *The Empire.*

u Tob. Paurmeist. *de Jurisdict. lib. 2. cap. 8. §. 3. &* Knichen *Com. ad Jus Saxoniæ cap. 4 pag.* 120.

XXVII. But in *Italy* (where the Pope creates Dukes) there is a prescript form of the Creation and Investiture by a Ducal Cap and a Scepter, instituted by *Paul* the Second and thus related in *Marcellus Corcyrensis.*

Ordo servandus in creatione novi Ducis à *Paulo* II. institutus.

CReandus in Ducem per summum Pontificem, veniet ad Cameram Pontificis indutus manto aureo, panno contexto, aperto à dextero humero ad terram usque, & sequitur Pontificem ad Ecclesiam descendentem, portabitq; caudam pluvialis. Facta oratione ante Altare, Pontifex statim faciet confessionem cum celebrante: deinde ascendet ad sedem eminentem, & recipit Cardinales ad reverentiam: non tamen imponit incensum, nec cantores incipient introitum. Et interim creandus Dux sedet ad pedes Pontificis super primum gradum, & celebrans osculato Altari accedet ad suum faldistorium, & ibi expectabit. Finita reverentia, creandus Dux accedit ad pedes genuflexus sanctissimi Domini nostri, & fit miles Sancti Petri etiam si prius erat miles.

Ordo Benedicendi novum Militem.

POntifex primò stans sine mitra benedicit ensem quem unus ex acoluthis nudum tenet in manu; dicens:

Versus. Adjutorium nostrum in nomine Domini.
Resp. Qui fecit cœlum & terram.
Vers. Domine exaudi orationem meam.
Resp. Et clamor meus ad te veniat.
Vers. Dominus vobiscum.
Resp. Et cum spiritu tuo.

The Empire.

Oremus.

Exaudi quæsumus Domine, preces nostras, & hunc ensem, quo hic famulus tuus circumcingi desiderat, Majestatis tuæ dextra dignare bene✠dicere, quatenus esse possit defensor Ecclesiarum, Viduarum, Orphanorum, omniumq; Deo servientium, contra sævitiam Paganorum, aliisque sibi insidiantibus sit terror, & formido: præstans ei, quæ persecutionis & in defensionis sint effectum: Per Christum Dominum nostrum, Amen.

Benedic Domine sancte, Pater omnipotens, æterne Deus per invocationem sancti tui nominis, & per adventum Christi filii tui Domini nostri, & per donum Spiritus sancti paracleti, hunc ensem ut hic famulus tuus, qui hodierna die eo tua concedente pietate præcingitur, invisibiles inimicos sub pedibus conculcet, victoriaque per omnia potitus maneat semper illæsus, per Christum Dominum nostrum, Amen.

Deinde aspergit aquam benedictam. Tunc stans sine mitra dicit,

Benedictus Dominus Deus meus, qui docet manus meas ad prælium, & digitos meos ad bellum: misericordia mea & refugium meum, susceptor meus, & liberator meus, protector meus, & in ipso speravi, qui subdit populum sub me. Gloria patri & filio, &c. Sicut erat in principio, &c.

Vers. Salvum fac servum tuum Domine.
Resp. Deus meus sperantem in te.
Vers. Esto ei Domine turris fortitudinis.
Resp. A facie inimici.
Vers. Domine exaudi orationem meam.
Resp. Et clamor meus ad te veniat.
Vers. Dominus vobiscum.
Resp. Et cum spiritu tuo.

Oremus.

Domine sancte Pater omnipotens, æterne Deus qui cuncta solus ordinas, & recte disponis: qui ad coercendam malitiam reproborum, & tuendam Justitiam, usum gladii in terris hominibus tua salubri dispositiome permisisti, & militarem Ordinem ad populi protectionem institui voluisti: quique per beatum *Joannem Baptistam* militibus ad se in deserto

ſerto venientibus ut neminem concuterent, ſed propriis ſtipendiis contenti eſſent, dici feciſti, clementiam tuam Domine ſuppliciter exoramus ut ſicut *David* puero tuo *Goliam* ſuperandi largitus es facultatem & *Judam Macchabæum* de feritate gentium nomen tuum non invocantium, triumphare feciſti: ita & huic famulo tuo, qui noviter jugo militiæ colla ſupponit, pietate cœleſti vires & audaciam, ac fidei & juſtitiæ defenſionem tribuas: & præſtes ei fidei, ſpei, & charitatis augmentum, & tui timorem pariter, & amorem, humilitatem, perſeverantiam, obedientiam, & patientiam bonam, & cuncta in eo recte diſponas, ut neminem cum gladio iſto vel alio injuſtè lædat, & omnia cum eo juſtè & rectè defendat: ſicut ipſe de minori ſtatu ad novum Militiæ promovetur honorem: ita veterem hominem deponens cum actibus ſuis, novum induat hominem, ut rectè retineat, & rectè colat: perfidorum conſortia vitet, & ſuam in proximum charitatem extendat: præpoſito ſuo in omnibus obediat, & ſuum in civitate juſtum officium exequatur: Per Chriſtum Dominum noſtrum, Amen. *The Empire.*

Deinde ſedens cum mitra Pontifex imponit nudum gladium in ejus manu, dicens: Accipe gladium iſtum in nomine Patri ✠, & Filii ✠, & Spiritus Sancti ✠, & utaris eo ad defenſionem tuam & ſanctæ Eccleſiæ Dei, & ad confuſionem inimicorum crucis Chriſti, & fidei Chriſtianæ; & quantum humana fragilitas tibi permiſerit, cum eo neminem injuſtè lædas. Quod ipſe præſtare dignetur, qui cum Patre & Spiritu ſancto vivit & regnat in ſæcula ſæculorum, Amen. *Et repoſito gladio in vagina per eundem militem, accingitur eodem gladio per duos nobiliores milites præſentes, Pontifice dicente:* Accingere gladio tuo ſuper femur tuum potentiſſime, in nomine Patris Domini noſtri Jeſu Chriſti. Et attende, quòd Sancti non in gladio ſed per fidem vicerunt regna. *Novus igitur miles enſe accinctus, illum de vagina ter vibrat nudum viriliter, & eo ſuper ſiniſtrum brachium, terſo, mox in vaginam recondit. Deinde Pontifex inſigniens illum charactere militari, dat ei oſculum pacis, dicens:* Pax tibi. *Tunc accipiens illius enſem nudum ter militem percutit planè ſuper ſpatulas, dicens:* Eſto miles pacificus, ſtrenuus, fidelis, & Deo devotus, *& mox dat ei leniter alapam, dicens:* Exciteris à ſomno malitiæ, & vigila in fide Chriſti, et fama laudabili. *Tunc nobiles aſſiſtentes imponunt ſibi calcaria & cantores ſive Pontifex (ſi magis placet) dicit Antiphonam:* Specioſus forma præ filiis hominum, accin-

The Empire.

gere gladio tuo ſuper femur tuum potentiſſime. *Deinde dicit Pontifex.*

Verſ. Dominus vobiſcum.
Reſp. Et cum ſpiritu tuo.

Oremus.

Omnipotens ſempiterne Deus, ſuper hunc famulum tuum *N.* qui hoc eminenti mucrone circumcingi deſiderat, gratiam tuæ bene✠dictionis infunde, et eum dextræ tuæ virtute fretum, fac contra cuncta adverſantia cœleſtibus armari præſidis, quo nullus in hoc ſæculo tempeſtatibus bellorum turbetur, Per Chriſtum Dominum noſtrum, Amen.

Finita oratione novus Miles oſculatur pedem Papæ: tum ſurgit & deponit enſem & calcaria, & redit ad ſedendum, ubi prius. Cantores incipiunt Introitum, inceníatur altare, & procedit in Miſſa uſq; ad cantatum Graduale, quod dum cantatur, futurus Dux ducitur ante Pontificem, ubi genuflexus præſtabit juramentum.

Ego *N.* annuente Domino futurus Dux promitto, ſpondeo, polliceor, atque juro coram Deo, et beato *Petro* Apoſtolorum principe, me de cætero reverentiam et obedientiam ſervaturum (etiam ſi aliàs obligatus ſum) Sacroſanctæ et Apoſtolicæ Eccleſiæ et vobis Domino Domino *N.* divina providentia ſummo Pontifici, et ſucceſſoribus veſtris canonicè intrantibus: nec deficiam in omnibus neceſſitatibus veſtris & utilitatibus, juxta vires meas, et quantum potero divino auxilio fultus, pura et bona fide, cuſtodiendo etiam, et conſervando omnes poſſeſſiones, Terras, Loca, Honores, Juriſdictiones, et Jura veſtra, et Sanctæ *Romanæ* Eccleſiæ in omnibus et per omnia: et propter honorem, et præeminentiam Ducalem, quam hodiè à vobis recepturus ſum: etiam promitto in recognitione tantæ ſuſceptæ gratiæ, pro me, et ſucceſſoribus meis, perpetuo dare vobis, et ſucceſſoribus veſtris ſingulis annis in die feſtivitatis beatorum Apoſtolorum *Petri* et *Pauli* unum parafrenum album benè et decenter ornatum. Sic me Deus adjuvet, et hæc ſancta Dei Evangelia.

Præſtituto Juramento, Pontifex deſcendit ad faldiſtorium, & procumbit ſuper illud ante Altare cum mitra. Dux futurus proſternit ſe ad ſiniſtram Papæ, aliquantulum retro

tro ſupra ſcabellum viride. Subdiaconus verò Apoſtolicus facit Litaniam, *cæteris cum choro reſpondentibus* Kyrie-eleiſon, *&c. ubi autem dixerit*, et obſequium ſervitutis, *& replicatum fuerit, ſurgit Pontifex & ſignans ſuper Ducem altè dicit* : Ut hunc famulum tuum in Ducem eligere digneris te rogamus, audi Nos. *Et iterum*, Ut hunc famulum tuum benedicere digneris, te rogamus, audi Nos. *Et tertiò*, Ut hunc famulum tuum ad Ducale faſtigium perducere digneris, te rogamus, audi Nos : *& ſemper chorus reſpondent explicando. Recumbit iterum Pontifex, & Subdiaconus atq; alii faciunt* Litaniam. *Qua finita, Papa revertitur ad ſedem eminentem, & futuro Duce permanente proſtrato, Papa depoſita mitra ſtans dicit ſuper eum* Pater noſter. *Deinde*, Et ne nos inducas, *&c.* *The Empire.*

Verſ. Salvum fac ſervum tuum.
Reſp. Deus meus ſperantem in te.
Verſ. Eſto ei Domine turris fortitudinis.
Reſp. A facie inimici
Verſ. Nihil proficiat inimicus in eo.
Reſp. Et filius iniquitatis non opponat nocere ei.
Verſ. Domine exaudi orationem meam.
Reſp. Et clamor meus ad te veniat.
Verſ. Dominus vobiſcum.
Reſp. Et cum ſpiritu tuo.

Oremus.

Prætende, quæſumus famulo tuo *N.* Duci dextram cœleſtis auxilii, ut te toto corde perquirat, et quæ dignè poſtulat, conſequi mereatur. Actiones noſtras, quæſumus Domine, aſpirando præveni, et adjuvando proſequere, ut cuncta noſtra oratio, et operatio à te ſemper incipiat, et per te cœpta finiatur : Per Chriſtum Dominum noſtrum: Amen.

Sedebit deinde Pontifex cum mitra, & Dux ducetur ad ejus pedes : & tunc Pontifex accipiens Ducale Biretum *imponit ejus capiti ante ſe genuflexi dicens :* Accipe Inſigne Ducalis præeminentiæ quod per Nos Capiti tuo imponitur, in nomine Patris ✠ et Filii ✠ et Spiritus Sancti ✠ Amen. Et intelligas te amodo ad defenſionem fidei, Sacroſanctæ Eccleſiæ, viduarum, pupillorum, et quarumcunque aliarum miſerabilium perſonarum fore debitorem : veliſq; deinceps utilis eſſe executor, perſpicuuſq; dominator coram Domino;

&

The Empire.

& inter glorioſos Athletas virtutum merito ornatus appareas, quam gratiam tibi concedere dignetur Dominus noſter Jeſus Chriſtus: Qui cum Patre & Spiritu ſancto vivit & regnat in ſecula ſeculorum, Amen.

Poſt hæc immediatè dat ei ſceptrum in manu dextra dicens;

Accipe virgam directionis & juſtitiæ, in nomine Patris ✠ & Filii ✠ & Spiritus Sancti ✠, Amen. Per quam valeas unicuique ſecundum merita ſua tribuere ſive boni, ſive mali, ſemper Deum ante oculos habens, non declinans à dextris, vel à ſiniſtris, ſed cum omni bonitate & charitate bonos foveas, malos coerceas, ut omnes intelligant, & ſciant te juſtitiam dilexiſſe, iniquitatem odio habuiſſe. Quam gratiam tibi concedere dignetur, qui eſt benedictus in ſecula ſeculorum, Amen.

Et mox cum bireto, & ſceptro oſculatur pedem Pontificis, qui deindè ſurgens ſine mitra dicet ſuper novum Ducem adhuc genu flectentem cum ſuo habitu, hanc orationem: Deus Pater æternæ gloriæ ſit adjutor tuus, & omnipotens benedicat tibi, preces tuas in cunctis exaudiat, & vitam tuam longitudine dierum adimpleat, ſtatum Dominii tui jugiter firmet, & gentem populumque tuum in æternum conſervet, & inimicos tuos confuſione induat, & ſuper te ſanctificatio *Chriſti* floreat, ut qui tibi tribuit in terris Dominium, ipſe in Cœlis conferat præmium. Qui vivit & regnat per omnia ſecula ſeculorum, Amen. *Surgit deinde novus Dux, & ſociatus per duos Juniores Diaconos Cardinales ducitur in locum ſuum ad ſedendum, id eſt, inter duos ultimos Diaconos Cardinales. Quod recipiatur ad oſculum à Cardinalibus, non videtur convenire, cum non ſit ex ordine illorum, neque par. His finitis proceditur in miſſa uſque ad offertorium. Et tunc novus Dux depoſito bireto, accedet ad pedes Pontificis, & offeret aurum, quantum voluerit: & recipietur ad oſculum pedis, manus, & oris, & mox revertetur ad locum ſuum: &, finita Miſſa, procedet inter ipſos juniores Diaconos Cardinales.*

But here *Marcellus* makes ſome difference between this form of Creation and the Creation of a Duke, in *Italy*, of leſs dignity. His words are,

Quæ ſervantur in *Duce* minoris potentiæ.

ET *hæc quidem ſervantur, ut ſupra dictum eſt, ſi Dux eſt magnæ nobilitatis & potentiæ, ut fuit tempore Domini* Pauli *Papæ ſecundi* Borſus Ferrariæ. *Si verò eſſet mediocris potentiæ, ut fuit tempore Domini* Sixti *Papæ quarti,* Fredericus

Fredericus *Dux* Urbani, *omnia ſervarentur, niſi quòd non duceretur à Cardinalibus, ſed à duobus aſſiſtentibus Papæ principalibus: & ſederet ultimus poſt omnes Cardinales, in banco Diaconorum, & eundo incederet ſolus poſt crucem ante omnes Cardinales. Quod ſi adhuc eſſet inferior, tunc omnia alia ſervarentur, niſi quod non daretur ei Sceptrum, neque ſederet in banco Cardinalium, ſed ad pedes Papæ in ſupremo gradu, & eundo incederet ante crucem poſt oratores, & alios principes.* The Empire.

We adde here another Example * of Pope *Paul* II. his Inveſtiture or Creation of the ſame *Borſo* Duke of *Ferrara*, whom *Frederick* III. had before made. It was done for the better ſurety of preſerving that Territory in the Patrimony of the Church of *Rome*.

* 15. *April.* 1471. Modius *Pandect Triumphal. Tom.* 1. *lib.* 4. *cap.* 15.

Pontificis Pontificali ornatu amicti, atq; ita ad templum divi Petri *incedentis, rei divinæ celebrandæ gratia,* Borſus *à tergo extremas lacinias, longas alioqui, & perſolum raptandas, levitèr attollebat geſtabátque. Finitis autem tertiis, deducitur idem* Borſus *medius inter Archiepiſcopos* Mediolanenſem & Cretenſem, *& ſiſtitur ante Pontificem, qui eum initiavit Ordini Equeſtri S.* Petri, *oblato ei nudo gladio, quo uteretur ad defenſionem ſui, ſanctæque matris Eccleſiæ, & extirpationem omnium prophanorum & à religione noſtra alienorum: atque hoc cum mox cinxit, jam condito vagina,* Thomaſius *Princeps* Peloponnenſi (Moream *vocant nunc*) *nuper ex regno profugus. Calcaria ei induit* Neapolio *ex* Urſinorum *familia, Præfectus copiarum militarium Pontificiarum, &* Conſtantinus Sfortia, *filius reguli* Peſarenſis. *Lecta Epiſtola, ſecundo ab iiſdem Archiepiſcopis Pontifici ſiſtitur, cui Sacramentum dixit obſequii; quo facto Litaniæ cantantur, precéſque profunduntur, uti bene vertat quod in præſenti re agitur: atque inde* Borſus *ad locum ſuum reducitur, ſed jam Cardinalibus altrinſecus latera ejus claudentibus; à quibus etiam tertio ad Pontificem deductus eſt, præcedentibus iiſdem duobus Archiepiſcopis, à quo oblatum Pacis Symbolum cum oſculatus eſſet, ex ordine etiam omnes Cardinales oſculo ſalutavit, & veneratus eſt. Hinc cum Pontif. Max. ſacram ſynaxim ſumpſiſſet,* Borſus *effudit ei aquam, viciſſimque accepit ab eo* habitum Ducalem, palleum cæruleum, Alpinarum muſtelarum exuviis duplicatum, *ab humeríſque replicatum: pileum à ſummo acuminatum, ab imo auritum. Præterea inſertum eſt dextræ ejus ab eodem, ſceptrum, ſive pedum aureatum, collóque aureus torques injectus, atque hoc ornatu à Cardinalibus ſuis*

ad

The Empire.

ad locum priſtinum reductus eſt. Finito vero ſacro, comitatum eſt eum ad diverſorium uſque ubi hoſpitio excipiebatur, atque hoc quidem juſſu Pontificis, univerſum collegium purpuratorum patrum. Poſtridie rediit Borſus *habitu Ducali cum Pont. ad templum D.* Petri, *ibique locatus eſt inter Cardinales S.* Mariæ *in Porticu, & S.* Luciæ. *Finito ſacro concionem habuit Pontifex in commendationem* Borſi, *gentiſque & familiæ* Eſtenſis; *enumeratis & percurſis breviter ejus erga ſedem Apoſtolicam meritis. Hinc ductus à Cardinalibus* Montis Ferrati, *& S.* Mariæ *in Porticu, accepit à Pontifice* Roſam, *quam vocant,* auream; *quam cum per alterum Cardinalium ipſius ſanctitatis reddiſſet; tulit eum Pont. Max. ad limina uſque templi, ubi inſpectante omni populo eandem* Roſam Borſo *ſecundo obtulit: qui cum ea ductus eſt à Cardinalium collegio in Palatium S.* Mariæ; *ubi ei ſumptuoſiſſimum prandium inſtructum erat, ultimus autem in hac pompa equitabat honoris cauſa* Borſus, *præcedentibus more* Romano *reliquis Cardinalibus medius inter eum qui erat Vicecancellarius & Mantuanum.*

XXVII. The more eſpecial Ornaments or Habit of State of the Dukes in the Empire, are their Crimſon Velvet Robes doubled with powdered Ermins, and the Cap of the ſame, and ſo doubled. The Cap is called *Galerus Ducalis*, *Ducale Biretum* as in that of *Paul* II. and *Ducalis Pileus.* And thereof *Modius*, in his Narration of [x] the Creating *Borſo* Marqueſs of *Ferrara* into Duke; *Mandavit* (he ſpeaks of *Frederick* III.) *ut tunica indueretur rubra ſegmentata, muſtelis alpinis duplicata, cui acceſſit Ducalis concolor Pileus.* Other teſtimonies occur frequently of it. And it is uſually on the heads of Dukes in their monies. But as they have their Robe and Cap for their ſpecial Ornaments or Habit of State, ſo have they, for Enſigns of Dignity, Coronets on their Arms. For although by the firſt Creation of the Duke of *Auſtria*, anon inſerted, he might wear a *Sertum Pinnitum*, or a pointed Coronet, by ſpecial privilege, yet the more general uſe of the Empire is, that no Duke bears a Coronet ſave only on his Arms in Image or Picture. But ſome ſpeak of the uſe of Coronets over the Arms of ſome Dukes only as if they meant that none might uſe them, but only ſuch Dukes as had no leſs Sovereignty than Kings of the Empire. So *Alciat*; where he ſaies that the Dukes of *Millain*, *Auſtria*, and *Burgundy*, having Regal Power, may uſe Coronets over their Arms, and other Dukes of leſs name, Caps only. After Kings, ſaith [z] he, *gradu ſequenti ſunt* Duces, *quorum aliqui regali poteſtate decorati ſunt*; *ut* Mediolanenſis, Pannoniæ *ſuperioris*, *quam* Auſtriam *vocant*, *itémque* Burgundus. *Atque ideo gentilitiis inſignibus* Coronam *ferre jus illis eſt. Aliqui non ſunt, ut quos* Romani *Pontifices in* Umbria, Piceno *aliiſque* Italiæ *locis quandoque conſtituerunt. Hi cum Pontifici deferre teneantur, nec ſoluti legibus ſint, non* Coronam *ſed* Birrum *oſtentant.* He means thoſe Dukes of *Urbin*, *Ferrara*, and ſuch more Duchies that are devolved now, and annexed [a] to the See of *Rome.* So *Lancellotus Conradus*; *Dux quartum dignitatis gradum* (having [b] before reckoned the Titles of King and Prince) *oſtentabat* Birro,

x *Pandect. Triumph. Tom. 1. lib. 4. cap. 14.*

y *Vide infra c. 30. & 31 ſed & vide ſt. Lud. Equeſtrium ab* Henrico I. *Imp. edita apud* Goldaſt. *conſtit. tom. 1. pag. 212.*

Principes & Duces *ſerto caput adumbrare contenti.*

z *De ſingulari certamine cap. 32.*

a *Bulla* Pii 5. 35. *Admonet &c. ap.* La. Cherubin. & Clem. 8. *Bull.* 67 *Sanctiſſimus &c.*

b *Templum Judicum lib. 1. cap. 4. §. 1.*

ro, *cooperiens ſine* Coronæ *ornamento*, *quæ regali ſplendore videtur conceſſa*, *niſi* Ducali Ordini *quandóque hoc etiam attributum ſit*, to which purpoſe he cites that of *Alciat*, as if clearly Dukes by that dignity only, without eſpecial priviledge, had not any uſe ſo much as of the Picture of a Coronet. And the Rabbins [c] have their ſaying, that בל אלוף מלכתא דלא תגא *Col Aluph Malcutha dela thega*, every Duke or Dukedom is a Kingdom without a Crown or Coronet. For *Aluph* or אלוף is interpreted by *Dux* or דכס being the ſame word in Rabbinical Hebrew, and is expreſly turned into the name of Duke in our Engliſh Tranſlations of the holy [d] Text, where yet it ſignifies no other than the *Princes* or *Heads of Families* or *Companies*, or ראשי משפחות as the *Jews* in the ſame ſence call them. And according to that fancy of the Rabbins, in the Title Page of *Abraham Ben David's* Commentary upon that which they call the Patriarch *Abraham's Jetzira*, there is an Inſcription of the imprinting it under Duke *William Gonzaga*, concluded with חנשא מלכותא אמן or *increaſe to his Kingdom*, *Amen*. And ſome have likewiſe *Regnum Ducis Religioſſimi Ducis Taſſilonis gentis Boiariorum* in the old [e] Councel of Dingolwing held in *Bavier* under him. But whereas *Alciat* (whom divers herein negligently follow) ſo made his diſtinction as if only thoſe Dukes of greater eminency uſed Crowns or Coronets on their Arms, and the other only Ducal Caps; it is plain that he was deceived. For we find in the Coins of the Duke of *Ferrara*, *Modena*, and *Parma*, frequently, as well as in thoſe of *Millain*, *Florence*, and *Savoy*, like Coronets over their Arms. And they are ſometimes fleury; and ſometimes only ſhort points are raiſed out of the circles of them: and ſo they appear radiant only, or ſuch as the Coronets of Marqueſſes in *England* would be, if they had neither flowers raiſed out of them, nor Pearls on the points of them. And therefore though the learned *Paſchalius* [f] juſtly diſtinguiſh Dukes at this day into *Majores* and *Minores* (meaning, for the firſt, thoſe of *Savoy*, *Millain*, *Lorrain*; and, for the other kind, ſuch as are created into the dignity but have not Regal Power communicated to them) yet he attributes the ſame kind of Coronets to them both equally. His words (that give light hither alſo) are tranſcribed where we ſpeak hereafter of the Dukes of *France*, on whom his eye was eſpecially, while he wrote of Ducal Coronets. And he ſpeaks of theſe Coronets alſo as if generally they were part of the Ducal Habit, as well as to be uſed in Image or Picture over their Arms.

The Empire.

d *Geneſ. cap.* 36. *ubi* Salomon Jarchi *ad Comma* 15.

e Baron. *Annal. Tom.* 9. *ann.* 772. & *Tom.* 3. *Concil. part.* 1. *ſect.* 1. *pag.* 426. *Edit. Bin.* 1618.

f *De Cronis lib.* 9. *cap.* 22.

XXVIII. For the form of Letters of Creation or Inſtitution of Dukes and Duchies, we firſt adde this of *Frederick* the Firſt, made at his Creation of his Uncle, *Henry*, [g] into the title of Duke of *Auſtria*.

g *Vide ante* §. 25.

FRidericus, *divina* [h] *favente clementia*, Romanorum *Imperator* Auguſtus, *primus ejus nominis*. *Quanquam rerum commutatio ex ipſa corporali inſtitutione poſſit firma conſiſtere*; *nec ea quæ legitime geruntur*, *ulla poſſint refragatione convelli*: *ne cauſa rei geſtæ ulla poſſit eſſe dubietas*, *Imperialis debet intervenire autoritas*. *Noverit igitur omnium Chriſti Imperiique noſtri fidelium præſens ætas*, & *futura poſteritas*, *qualiter Nos ejus cooperante gratia à quo cælitus pax miſſa eſt hominibus ſuper terram*, *in generali noſtra Curia*

h Cuſpin. *Auſtr. pag.* 33. & *videſis* Henric. Steronem *in Annalibus an.* 1156. Goldaſt. *Conſtit. Imp. Tom.* 1. *pag.* 302. & *Chronic. Auguſtenſ. à Marquardo Evehert editum.*

The Empire. Ratiſponæ, *in nativitate ſanctæ* Mariæ *celebrata, in præſentia multorum Religioſorum & Catholicorum, litem, & controverſiam, quæ inter Chariſſimum noſtrum patruum* Heinricum *Ducem* Auſtriæ, *& inter nepotem noſtrum chariſſimum* Heinricum *Ducem* Saxoniæ, *diu agitata extitit, ſuper Ducatu* Bavariæ, *et ſuper Marchia à ſuperiori fluminis parte* Anaſi, *terminavimus hoc modo: quod Dux* Auſtriæ *reſignavit Nobis Ducatum* Bavariæ, *et dictam Marchiam quos tenebat. Qua reſignatione facta mox eundem Ducatum* Bavariæ *in beneficium contulimus Duci* Saxoniæ. *Prædictus verò Dux* Saxoniæ *ceſſit et renunciavit omni juri, et actioni quas habebat ad dictam Marchiam, cum omnibus ſuis Juribus & beneficiis. Ne autem in hoc facto honor & gloria patrui noſtri chariſſimi aliquatenus minuatur, de conſilio & Judicio Principum, illuſtri* Uladiſlao *Duce* Bohemiæ *ſententiam promulgante, quàm cæteri Principes approbabant,* Marchionatum Auſtriæ, *& dictam Marchiam ſupra* Anaſum *commutavimus in* Ducatum: *ejuſdemque Ducatum cum ſubſcriptis Juribus, privilegiis, & gratiis omnibus liberalitate* Cæſarea *contulimus* Heinrico *prædicto patruo noſtro chariſſimo, prænobili ſuæ uxori* Theodoræ *et liberis eorundem, ob ſingularem favorem, quo erga dilectiſſimum patruum noſtrum* Heinricum Auſtriæ *Ducem, ejus conthoralem prænobilem* Theodoram, *et eorum ſucceſſores, necnon erga terram* Auſtriæ, *quæ clypeus et cor ſacri* Romani *Imperii eſſe dinoſcitur, afficimur, de conſilio et aſſenſu principum Imperii dictis conjugibus, eorum in eodem Ducatu ſucceſſoribus, necnon prætactæ terræ* Auſtriæ, *ſubnotatas conſtitutiones, conceſſiones, & indulta autoritate Imperiali in jura plena et perpetua redactas, donavimus liberaliter vigore præſentium et donamus: primo quidem quod Dux* Auſtriæ *quibuſvis ſubſidiis & ſervitiis non tenetur, nec eſſe debet obnoxius ſacro* Romano *Imperio, nec cuiquam alteri, niſi ea de ſui arbitrii libertate fecerit: eo excepto duntaxat, quod Imperio ſervire tenebitur, in* Hungariam *duodecim viris armatis per menſem unum ſub expenſis propriis, in ejus rei evidentiam ut Princeps Imperii agnoſcatur. Nec pro conducendis feudis requirere ſeu accedere debet Imperium extra metas* Auſtriæ, *verum in terra* Auſtriæ *ſibi debentur ſua feuda conferri per Imperium, & locari. Quod ſi ſibi denegaretur, ab Imperio requirat, exigat literatoriè trina vice: quo facto, juſte poſſidebit ſua feuda, ſine offenſa Imperii, ac ſi ea corporaliter conduxiſſet. Dux etiam* Auſtriæ *non tenetur aliquam Curiam accedere, Edictam per Imperium,*

Imperium, ſeu quemvis alium; niſi ultrò de ſua fecerit volun- The Em-
tate. Imperium quoque nullum feudum habere debet Auſtriæ pire.
in Ducatu. Si verò Princeps aliquis, vel alterius ſtatus perſona nobilis vel ignobilis, cujuſcunque conditionis exiſtat, haberet in dicto Ducatu poſſeſſiones ab ipſo jure feudali dependentes, has nulli locet ſeu conferet, niſi eas prius conduxerit à Duce Auſtriæ *memorato: cujus contrarium ſi fecerit, eadem feuda ad Ducem* Auſtriæ *devoluta, libere ſibi extunc jure proprietatis & directi Dominii pertinebunt, principibus Eccleſiaſticis & Monaſteriis exceptis duntaxat in hoc caſu. Cuncta etiam ſecularia Judicia, bannum Sylveſtrium, et Ferinarum, Piſcinæ & Nemora in Ducatu* Auſtriæ, *debent jure feudali à Duce* Auſtriæ *dependere. Etiam debet Dux* Auſtriæ *de nullis oppoſitionibus vel objectis quibuſcunque nec coram Imperio, nec aliis quibuſlibet, cuiquam reſpondere, niſi id ſua propria & ſpontanea voluerit facere libertate: ſed ſi voluerit unum locare, poterit de vaſallis ſeu homologiis, & coram illo ſecundum terminos præfixos parere poteſt & debet juſtitiæ complemento. Inſuper poteſt idem dux* Auſtriæ, *cum impugnatus fuerit ab aliquo de duello, per unum idoneum, non inenormitatis macula detentum, vices ſuas prorſus ſupplere. Et illam ipſe eadem die ſeu princeps, vel alius quiſquam pro alicujus nota inſaniæ non poteſt impetere, nec debet impugnari. Præterea quicquid Dux* Auſtriæ *in terris ſeu diſtrictibus ſeu fecerit, vel ſtatuerit, hoc Imperium nec alia potentia modis ſeu viis quibuſcunque debet alio quoque modo in poſterum commutare. Et ſi, quod Deus avertat, Dux* Auſtriæ *ſine hærede filio deceſſerit, idem Ducatus ad ſeniorem filiam, quam reliquerit devolvatur. Inter Duces* Auſtriæ *qui ſenior fuerit, dominium habeat dictæ terræ. Ad cujus etiam ſeniorem filium jure hereditario deducatur; ita tamen, quod ab ejuſdem ſanguinis ſtipite non recedat, nec Ducatus* Auſtriæ *ullo unquam tempore diviſionis alicujus recipiat ſectionem. Si quis in dicto Ducatu reſidens, vel in eo poſſeſſiones habens, fecerit contra Ducem* Auſtriæ *occultè vel publicè, eſt dicto Duci in rebus & corpore ſine gratia condemnatus. Imperium dicto Duci* Auſtriæ *contra omnes ſuos Injuriatos debet auxiliari & ſuccurrere, quoad juſtitiam aſſequatur. Dux* Auſtriæ *principali indutus veſte*, ſuppoſito pileo Ducali circundato ſerto pimito, *baculum habens in manibus, equo inſidens, & inſuper more aliorum Principum Imperii, conducere ab Imperio feuda ſua debet. Dicti Ducis inſtitutionibus & deſtitutionibus in Ducatu* Auſtriæ *ſuo eſt parendum. Et poteſt in terris ſuis*

The Empire.

omnibus tenere Judæos, *& uſurarios publicos, quos vulgus vocat* **Gewerteſchin**, *ſine Imperii noſtri moleſtia & offenſa. Si quibuſvis Imperii curis publicis Dux* Auſtriæ *præſens fuerit, unus de* Palatinis Achiducibus *eſt cenſendus. Et nihilominus in conceſſu & inceſſu, ad latus dextrum Imperii poſt Electores principes obtineat primum locum. Dux* Auſtriæ *donandi & deputandi terras ſuas cuicunque voluerit, habere debet poteſtatem liberam, ſi (quod abſit) ſine hæredibus liberis decederet: nec in hoc per Imperium debet aliqualiter impediri. Præfatus quoque Ducatus* Auſtriæ *habere debet omnia & ſingula jura, privilegia & indulta, quæ obtinere reliqui principatus Imperii dinoſcuntur. Volumus etiam, ut ſi diſtrictus & ditiones dicti Ducatus ampliati fuerint ex hæreditatibus, donationibus, emptionibus, deputationibus, vel quibuſvis aliis devolutionum ſucceſſibus, præfata jura, privilegia, & indulta ad augmentum dicti Dominii* Auſtriæ *plenarie referantur. Et ut hæc noſtra Imperialis conſtitutio omni ævo firma & inconvulſa permaneat, præſentes literas ſcribi, & ſigilli noſtri impreſſione fecimus inſigniri, adhibitis idoneis teſtibus quorum nomina ſunt hæc;* Pilegrinus *Patriarcha* Aquileienſis, Eberhardus *Archiepiſcopus* Salisburgenſis, Otho Friſingenſis *Epiſcopus*, Chunradus Bathavenſis *Epiſcopus*, Eberhardus Babenbergenſis *Epiſcopus*, Hartmannus Brixnienſis, Harwicus Ratiſponenſis & Tridentinus *Epiſcopus*, *Dominus* Welffo, *Dux* Chunradus *frater Imperatoris* Friderici *primi* Cæſaris: Palatinus Rheni Fridericus *filius Regis* Chunradi: Heinricus *Dux* Carinthiæ, *Marchio* Engelbertus *de* Hiſtria, *Marchio* Leopaldus *de* **Hochburg**, Hermannus *Palatinus Comes de* Rheno, Otho *Comes Palatinus, & frater ejus*, Fridericus *de* **Schiern & Witelſpach**, Eberhardus *Comes de* **Sultzbach**, Rudolfus *Comes de* **Sweinſheut**, Albertus *Comes* Hallenſis, Eberhardus *Comes de* **Purchauſen**, *Comes de* Putina, *Comes de* **Peilſtain**, *et quamplures &c. ſignum, &c. Ego* Reynaldus *Cancellarius vice* Arnoldi Moguntini *Archiepiſcopi, et Archicancellarii recognovi, regnante Domino* Friderico Romanorum *Imperatore Auguſto, ejus nominis primo, in Chriſto. Datum* Ratiſponæ *quinto decimo Cal. Octobris, indictione quarta, anno Dominicæ Incarnationis* M.C.LVI. *feliciter.* Amen. *Anno regni ejus quarto, Imperii ſecundo.*

This *Henry* thus made Duke of *Auſtria*, was both Duke of *Bavier* before and Marqueſs of *Auſtria*, (the Marquiſate being then ſubordinate to the Duchy) and was removed from the Duchy by ſurrender and ſentence in the Diet at *Ratisbon*. And *Ut nomen Ducis non perderet &*

Duces

Duces Bavariæ (that Duchy being at the same time restored to *Henry* Duke of *Saxony*, that was indeed heir to it) *minùs deinceps contra Imperium superbire valerent, Imperator de voluntate & consensu Principum* (so are the words of *Stero Altahensis*) *in Curia Ratisponæ habita An. Dom.* MCLVI. Marchionatum Austriæ *à Jurisdictione* Ducis *Bavariæ eximendo & quosdam ei Comitatus de Bavaria adjungendo, convertit* [p] *in Ducatum. Judiciariam potestatem Principi* Austriæ *ab Anaso usq; ad Sylvam prope Patavium quæ dicitur* **Rotensal** *protendendo.* *The Empire.*

[p] *Videsis* Krantz. Wandaliæ, *lib. 7. cap. 23. Saxon. lib. 6. cap. 8.*

XXIX. That also of *Maximilian* the first, to *Jacques de Croy*, Bishop of *Cambray*, created Duke of *Cambray*, * we insert for another example.

* Jehan Schojer en la *genealogie de la maison de Croy p. 51.*

MAximilianus, *divina favente clementia, Electus* Romanorum *Imperator, semper Augustus*, ac Germaniæ, Hungariæ, Dalmatiæ, Croatiæ, *&c. Rex, venerabili, illustri*, Jacobo de Croy Episcopo ac Duci Cameracensi, Comiti Cameracesii, *Principi, Consiliario & Consanguineo nostro devoto dilecto, Gratiam nostram* Cæsaream *& omne bonum. Splendor nostræ* Cæsareæ *Majestatis ad instar divini illius solii qui in magnitudine & multitudine Electorum & Sanctorum suorum exultat, dignè trahens exemplum, hilari semper affectu desiderat, ut in circuitu Augustalis solii nostri Principum numerus crescat & fœliciter augeatur, quo & nostra Majestas majoribus aucta dignitatibus, & potestatibus solidiùs roboretur, & fidelibus populis nostris justitia administretur, ac indebitè oppressi & afflicti refugium habeant ubi sublevamen & auxilium in pressuris eorum comperiant, & cæteri fideles nostri spe gloriæ et præmii ad virtutes magis magisq; excitentur. Attendentes itaq; multiplicia virtutum tuarum merita, et devotionis affectum, quo nos et Sacrum* Romanum *Imperium omni studio et officio veneraris, ac gloriam, honorem, et commodum nostrum et ipsius Imperii assidnè sollicitis studiis procuras, motu proprio, et ex certa nostra scientia, animo deliberato, accedente etiam consilio et assensu venerabilium et Illustrium nostrorum, ac ejusdem Sacri Imperii Principum, Comitum, Baronum, Nobilium nostrorum, fidelium dilectorum; Te præfatum* Jacobum Episcopum Cameracensem, Comitem Cameracesii *(cum et origo nobilitatis tuæ à serenissimis Regibus* Hungariæ *originem trahat, et beatitudo, ac amplitudo ditionis tuæ multum se diffundat, necnon intemerata fides, devotio, et observantia tua, et progenitorum tuorum, quâ à longo tempore nobis et eidem Sacro* Romano *Imperio et serenissimæ Domui nostræ* Burgundicæ *inservivisti) hodie in* verum Ducem Cameracensem *Erigimus, Illustra-*

The Empire. *Illuſtramus, Inſignimus, et decoramus, decernentes expreſsè quod tu ex nunc in anteà omni dignitate et præeminentia, Jure, Poteſtate, Libertate, Honore, et conſuetudine, gaudere, et frui debeas, quibus alii noſtri et Sacri* Romani Imperii Duces *Illuſtres freti ſunt hactenus, et quotidie potiuntur.*

Civitatem Cameracenſem, *Terras quoq; tuas munitiones, Territoria cum omnibus Aquis, Pratis, Paſcuis, Judiciis, Homagiis, et aliis juribus tibi competentibus, ac omnibus eorum pertinentiis, quæ latitudo Dominii Civitatis* Cameracenſis, *comprehendit, In verum* Ducatum Cameracenſem *ereximus, ac de plenitudine noſtræ Cæſareæ Poteſtatis tenore præſentium Erigimus; Decernentes et hoc Cæſareo ſtatuentes edicto, quod tu* Jacobus Epiſcopus et Dux Cameracenſis, *et* Comes Cameraceſii, *Nominari et appellari ex nunc in antea debeas, et tanquam cæteri* Romani Imperii Duces *teneri et honorari, ac ubique locorum ab omnibus reputari: Privilegiis, gratiis et immunitatibus abſq; omni impedimento frui, quibus alii noſtri & Sacri* Romani Imperii Duces *& Principes in conferendis & recipiendis Juribus, & omnibus & ſingulis aliis, illuſtrem ſtatum, et conditionem* Ducum *concernentibus, freti ſunt hactenus, ſeu quomodo libet potiuntur. Quo autem univerſi re ipſa cognoſcant peculiarem gratiam et benevolentiam noſtram qua te complectimur, ad Arma et Inſignia tuæ antiquæ et præclaræ Nobilitatis, quæ ſunt in hunc modum deſcripta: videlicet, Scutum quadripartitum, habens in ſuperiori dextra, et inferiori ſiniſtra in campo argenteo tres facies rubeas ad regulam directè per tranſverſum ductas, et in ſuperiori ſiniſtra, et inferiori dextra, etiam in campo argenteo, tres ſecures rubeas latas manubriis brevibus rubeis, quarum duæ ſuperiores, manubriis ad invicem converſis, inferior autem in dextram vertens, in medio autem ſcuti parvus Clipeus ſuperpoſitus etiam quadripartitus, in cujus ſuperiori dextra & inferiori ſiniſtra, in Campo aureo ſunt rubei tractus incerti numeri ab angulis incipientes, quadrati in formam rumbi cancellantes, In ſuperiori autem ſiniſtra, & inferiori dextra ejuſdem Clipei, iterum in Campo aureo eſt Leo niger elevatis pedibus erectis, & cauda ad caput elevata: Hæc Arma et Inſignia Tuæ et tuorum Nobilitatis antiquæ in modum et formam ſubſcriptam innovanda et melioranda, Statuimus et etiam innovamus, et meliora facimus auctoritate et de plenitudine poteſtatis noſtræ Cæſareæ, ſcilicet, quod tu* Jacobus Epiſcopus & Dux Cameracenſis, Cameraceſii Comes, *in poſterum ultra Arma et Inſignia ſolita, eiſdem armis potiaris*

aris quibus in eodem ſcuto ad tertiam partem (quæ caput ſcuti vocatur) ſuperponatur ſacra noſtra Aquila nigra Regalis, in Campo aureo, extenſis alis, pedibus, & cauda, Raſtellum rubeum tranſverſum per alas ad pectus geſtans tribus dentibus, quorum ſinguli in ſingulis alis, medius in pectore deorſum porrecti, prout melius hæc artificis miniſterio hac in medio cernuntur figurata. Quibus ex nunc impoſterum futuris temporibus in omnibus uti poſſis in quibus alii noſtri et* Sacri Imperii Duces *talibus utuntur. Omnes autem et ſingulos defectus ſi qui in præmiſſis ratione ſolennitatis omiſſi, dubia interpretatione ſententiarum aut verborum, ſeu alio quoviſmodo, comperti fuerint, ſupplemus ex certa noſtra ſcientia, & de plenitudine noſtræ Cæſareæ Poteſtatis, noſtris tamen ac cujuſlibet alterius, juribus ſemper ſalvis, & præſertim ipſius Civitatis* Cameracenſis *quam ultra ſolitum minimè gravari volumus: & ſine præjudicio primævæ amortiſationis, libertatis, Neutralitatis, Jurium, Privilegiorum, conceſſionum, uſuum, & conſuetudinum laudabilium tuorum Epiſcopatus, Eccleſiæ, Comitatus, Civitatis, & ſubditorum tuorum, & abſq; eo, quod vos aut aliqui veſtrum, ad aliqua ſervitia, ſubventiones que teneantur, ad quæ ante eandem erectionem non tenebantur. Nulli ergo omnino hominum liceat hanc noſtræ Illuſtrationis, Erectionis, Augmentationis, Suppletionis, Decreti, Conceſſionis, & Mandati paginam infringere, aut ei auſu temerario contraire, ſub noſtra & Sacri* Romani *Imperii indignatione graviſſima ac pœna centum Marcarum auri puri, quarum medietatem Fiſco ſeu Ærario noſtro Cæſareo, Reliquam verò partem, injuriam paſſi vel paſſorum uſibus, decrevimus applicari, quam maluerint evitare. Harum teſtimonio literarum, ſigilli noſtri appenſione munitarum, Datum in Civitate noſtra Imperiali* Auguſta, *die* XXVIII. Junii, *Anno Domini Milleſimo Quingenteſimo decimo, Regnorum noſtrorum* Romani XXV. Hungariæ *verò vigeſimo primo.*

The Empire.

*The form of the Arms, thus alter'd by addition, is not expreſſed in the Author from whom this is taken.

We add here that alſo of *Lewes* of *Baviere* his Patent of Creation *of *Caſtruccio de Antelminellis* into the title of Duke of *Luca.*

*Aldus Manutius *in vitâ* Ludovici 4. & Marquardus Freherus, *in Appendice ad Tom. unum de reb. Germanic. Edit.* 1624 *pag.* 31.

LUdovicus *Dei gratia* Romanorum *Imperator ſemper Auguſtus; Illuſtri* Caſtruccio *de* Antellminelli, *Duci* Lucano, *Comiti ſacri* Lateranenſis *Palatii & vexillifero Imperii, ſuo & Imperii fideli dilecto, gratiam ſuam & omne bonum. Principalis liberalitatis Clementia, in ſuis fidelibus dona multiplicans illis præcipuè conſuevit aſſurgere larga*

manu

The Empire.

manu qui per pugnam continuam in rebelles pro exaltatione Coronæ singulares triumphos & nomen laudabile sunt sortiti: Sane cum veraciter sciamus, experientia nobis existente magistro te præcipuum & strenuum in partibus Italiæ *pro Sacro Imperio pugilem extitisse nulli parcendo oneri, periculo vel labori: ac justitia tua ac animi probitate victos, de Hostibus devotos pro Imperio tenuisse & devios infideles ad fidem gratiosis meritis invitasse, tantóq; magis Imperiale Sceptrum extollitur: tanto cura Regiminis à solicitudinibus & laboribus relevatur, quanto fideles in circuitu Imperii circumspicit digniores & de fulgore throni* Cæsarei *velut ex sole radii, sic cæteræ prodeunt dignitates ut primæ lucis integritas minorati luminis non sentiat detrimentum. Hac igitur consideratione commoniti, qui cœlesti providentia* Romani *Imperii moderamur habenas, ac solii nostri decus tam veterum dignitatum ornatibus confovemus, quam novis honoribus ampliamus; Volentes præmissorum obtentu extollere nomen tuum & te prærogativa speciali magnificè honorare, de plenitudine potestatis, & de certa scientia & de consilio nostrorum Principum & Baronum, Civitatis* Lucæ, Pistorii, Volaterrarum *et* Lunæ, *cum omnibus et singulis Castris, Villis, et locis sitis in Diœcesibus ipsarum et cum omnibus earum et cujúsq; earum pertinentiis territoriis et jurisdictionibus quibuscúnq; ad jus honorem et nomen* Ducatus *pertinentibus transferentes et volentes sub uno dignitatis vocabulo contineri* Ducatus Lucani *te pro te et successoribus tuis et te per lineam masculinam, natis et nascituris in perpetuum ipsius* Ducatus Ducem *et Vexilliferum nostrum et Sacri* Romani *Imperii ubi libet, de præmissæ nostræ potestatis plenitudine et principali munificentia promovemus: eisdem libertatibus, immunitatibus et juribus prædictum* Ducatum *tuum præsentium authoritate donantes, quæ Ducalem deceant dignitatem, præfatáq; Civitates et quamlibet earum et omnes Terras, Castra, Territoria, atque loca, quæ in Diœcesibus seu Episcopatibus et Territoriis, et pertinentiarum ipsarum Civitatum, seu cujuslibet earum, seu intra confines Diœcesium Episcopatuum, pertinentiarum et Territorum præfatarum Civitatum et cujuslibet earum, sitæ sunt seu sita in perpetuum, tibi et legitimis successoribus tuis, ex te descendentibus natis et nascituris per lineam masculinam ex certa scientia damus, concedimus et donamus; cum omnibus et singulis Villis, Castris, Terris, fortalitiis, casalibus, vasallis, hominibus, possessionibus, honoribus, usibus, derittis, demaniis, feudis, homagiis, patronatibus vacantium et non vacantium Ecclesiarum*

rum et locorum ad nos et Sacrum Romanum *Imperium ſpectantibus ſeu pertinentibus et cum terris cultis, et incultis, ſylvis, paſcuis, nemoribus, ſalinis, balneis, ſtagnis, lacubus, atq; quibuſcunq; aquis et aquarum decurſibus, molendinis, piſcariis, piſcationibus, venationibus, montibus, planis, vallibus et omnibus et ſingulis locis, juribus, et pertinentiis tam Maris quam Terræ præfatarum Civitatum, terrarum, et locorum, et cujuſcunq; ipſarum, et ipſorum exiſtentium infra prædictas Diœceſes, confines et loca, quæ in hujuſmodi noſtra conceſſione et donatione ſub ſpeciali aut generali vocabulo poſſunt intelligi, ſive comprehendi, et quæ ad nos et* Romanum *Imperium ſpectare noſcuntur. Et ſic te et ſucceſſores tuos prædictos in* Ducem *et* Duces *prædicti* Ducatus *cum dignitate illuſtri erigimus, conſtituimus, præficimus et creamus, dantes et concedentes tibi et ſucceſſoribus tuis prædictis in præmiſſo Ducatu pleniſſimam juriſdictionem, et liberam auctoritatem et poteſtatem juris dicendi per te et per alios, ac etiam merum et mixtum Imperium, ut exercere valeas et valeant gladii poteſtatem ad animadvertendum in facinoroſos et malos. Et ut ipſius Ducatus dignitate te et præfatos tuos ſucceſſores cognoſcas amplius et favorabilius ab Imperiali eminentia ſublimari, tibi et ſucceſſoribus tuis prædictis ex ipſa dignitate Ducatus perpetuo decrevit competere noſtra ſerenitas, auctoritatem et poteſtatem creandi et ordinandi perpetuo et ad tempus (prout vobis placuerit) in ſingulis Civitatibus, Caſtris, Oppidis, Villis, Terris dicti* Ducatus, *Vicarios, Capitaneos, Poteſtates, Judices, ſeu Rectores, et quoſlibet ordinarios Magiſtratus, vel etiam delegatos et quoſcunque honores et dignitates, atque honorum et dignitatum officia cum auctoritate & poteſtate juredicendi, & mero & mixto Imperio; Statuta Municipalia condendi, juri divino & naturali non contraria, prout utilitati & pacifico ſtatui expedire videritis ſubjectorum. Ad hæc quoq; in prædicto tuo Ducatu flumina navigabilia, & ex quibus navigabiles fuerint portus, plageas (ſicut & nunc dinoſceris poſſidere) ripas & ripatica necnon vectigalia, telonea auri & argenti, & metallorum omnium quæſtum, nunc nobis et Imperio pertinentes, tibi tuiſq; ſucceſſoribus memoratis concedimus et donamus. Ac monetæ tam Auri quam Argenti et Æris cudendi, juſti et recti ponderis, in ipſo tuo Ducatu, tibi prædictiſq; tuis ſucceſſoribus præſenti privilegio facultatem liberam indulgemus; et feuda antiqua et nova, et recta et regalia conferendi et infeudandi vaſallos Imperii de feudis quæ manu vel ore, aut quocunque alio modo fuerint conferenda, et recipiendi à vaſallis*

The Empire.

The Empire.

Imperii fidelitatis & homagii Sacramenta; & multarum seu pœnarum compendia & confiscationes bonorum & cætera quæ dicuntur regalia in ipso Ducatu, ad tuum & prædictorum tuorum successorum compendium volumus pertinere. Milites quoq; in dicto Ducatu & extra constituendi & Militari cingulo decorandi & Judices ordinarios & Notarios publicos creandi & ordinandi, ac conficiendi: filios & filias naturales, tam spurios quam vulgo quæsitos, ex damnabili coitu natos legitimandi, & cum ipsis super natalium defectu, & alio quolibet, dispensandi tibi & ipsis auctoritatem & potestatem plenariam indulgemus. Ut tamen pro honore, quem tibi libenter adjicimus, nullum jus subtrahatur obedientibus vel obedituris nobis, et Imperio in eorum bonis, feudis, jura tamen Imperii remaneant Ducatui supra dicto; Volumus insuper quod in præmissis Ducatu et vexilliferatu semper major natu seu senior ex generatione tua, ex te et successoribus tuis legitimè descendentibus, exclusis aliis filiis seu hæredibus minoribus, solus et in totum succedat. Et propter præmissa omnia te pro te ipso, et prædictis successoribus tuis, nobis pro nobis ipsis et successoribus nostris homagium et debitæ fidelitatis juramentum præstantem de præmissis Ducatu & vexilliferatu per sceptrum *(quod in manu tenemus) præsentialiter investimus & infeudamus. Porro omnia & singula supra dicta valere & tenere volumus & firmamus, non obstante aliqua lege, consuetudine aut jure quibus contrarium caveretur, Quibus omnibus & singulis specialiter & expresse tanquam nominatim de illis in præsenti privilegio fieret mentio intendimus ut esse debeat derogatum, & potissime juri & consuetudini quo et qua cavetur seu cautum diceretur, quod hæres in* Ducatu, Comitatu, *vel* Marchia, *nullo modo succedat, nisi ab Imperatore acquisiverit per investituram quantum ad casum præsentem: in aliis vero casibus in suo Robore semper durent. Volumus tamen quod tu et successores tui à nobis et successoribus nostris et Sacro* Romano *Imperio requisitus et requisiti perpetuo tenearis et teneantur plenam et liberam obedientiam facere et in omnibus nostris mandatis successorúmq; nostrorum et Sacri* Romani Imperii, *libere intendere et parere, et omnia nostra mandata observare, et efficaciter adimplere juxta posse, et executioni mandare. Meminit quoq; nostra serenitas de prædictis ante nostræ Coronationis solennia tibi et prædictis tuis successoribus privilegium simile indulsisse. Quæ et omnia in ipso contenta, ex certa scientia, & de potestatis plenitudine ac de consilio & assensu Procerum et Baronum Imperialis Aulæ ratificamus approbamus et confirmamus.*

mamus. Statuimus etiam & mandamus quatenus nulla Civitas, nulla Communitas & generaliter nulla persona cujuscunq; conditionis seu status & præeminentiæ existat, huic nostræ paginæ audiat in aliquo contra facere vel venire, seu te aut prædictos tuos successores in aliquo molestare, de his quæ supra tibi, & eis à nostra clementia liberaliter sunt collata. Si quis autem temerario ausu præsumpserit contravenire, mille marcarum auri pœnam incurrat, pro dimidia Cameræ nostræ persolvendam, & pro alia dimidia Cameræ dicti Ducatus & Vexilliferatus in quorum præjudicium aliquando extiterit attentatum. Quibus ab omnibus & singulis supradictis testes fuerunt infra scripti. Videlicet, Rudolphus Dux Bavariæ, *Princeps & Patruus noster charissimus, Venerabilis* Jacobus *Episcopus* Castellanus, *Venerabilis frater* Bonifacius *Episcopus* Chironensis, Hermannus de Lithelberg *Cancellarius noster*, Henricus *Dux* Brunsvicensis, Ludovicus *Dux de* Tech, Albertus *de* Lithelberg *Marescallus noster*, Henricus Landgravius Alsatiæ, Fredericus *de* Nuremberg, Menchardus *Comes de* Hortemburg, Otho *Comes de* Truhendingen, Johannes *Comes dictus de* Claramonte, *nec non Nobiles viri* Jacobus Sciara *de* Columna, Jacobus *de* Sabellis *Senatores Urbis*, Manfredus *de* Vito, Ulmæ *Urbis Præfectus*, Theobaldus *de Sancto* Constacchio. *Et ad prædictorum omnium testimonium & corroborationem præsentes conscribi & Sigillo Majestatis nostræ jussimus communiri. Datum* Romæ *apud S.* Petrum XV *die Mensis* Febr. *Indictione* XI. *anno Dominicæ incarnationis* MCCCXXIIX. *Regni nostri anno* XIV. *Imperii verò primo.* *The Empire.*

The Charter also of Creation of *Wenceslaus* first Duke of *Luxenberge* by *Charles* the fourth, is at large in *Aubertus Miræus*, and the words of erection of *Mantua* into a Duchie by *Charles* the fifth, and also of *Montferrat* by *Maximilian* the second, are in *Franciscus Niger Cyriacus* his late published Controversie of the Duchy of *Mantua*.

And for the title of Duke, without other addition, beside the Territory or Feud, hitherto.

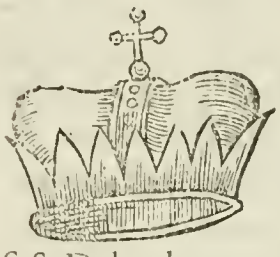
XXX. The title of Archduke, is in those of *Austria*; the syllable *Arch* being but the same that is in Archbishop; though it denote in Archduke an excellency or preheminence only, not a superiority or any power over other Dukes, as in Archbishop it doth over other Bishops. That of *Arch* in *Archiatrus* in the old Empire, is a juster example of it. When it began to be fixt on the Duke of *Austria*, is [a] uncertain. In the Acts of the general Councel [b] of *Constance*, held in MCCCCXIV. the title of *Dux Austriæ*, is frequent, but not *Archidux*.

a *Vide* Krantz. *Saxoniæ lib.6. cap.8.*

b *Tom.3.Concil.part.2.pag. 861.& 909.*

The Empire.

Neither doth Duke *Albert* ſtile himſelf otherwiſe in his letters to the Councel[c] of *Baſil*, about twenty years after. But ſome referr the original of it to *Albert* (eldeſt ſon of the Emperor *Rodulph* the firſt) whom, they ſay, his father created into that title at *Norimberg* in MCCLXXXIV. Others fetch it from the time of *Frederick* III. And ſome will have the title of Archduke there as antient as the title of Duke, and that *Henry* being created by *Frederick* the firſt (the Creation is before at large) beſides the extraordinary Privileges and Characters of dignity then ſetled in him, was honour'd alſo, though not in the preſent by expreſs words, yet in the title that was publickly given him, with the name of Archduke. And that thence it hath continued. So *Cuſpinian*. *Eſt*, ſaith he, *à* Frederico *Imperatore magnis libertatibus, immunitatibus ac privilegiis ſupra alios Principes Imperii donatus, quæ extant ac circumferuntur, inſignitus, præcipuè* Pileo Ducali crinito *qualis fuit apud* Romanos *Corona Roſtrata*; *tum veſte principali, qui quidem habitus Regius eſt & inde* Archidux *dictus eſt*. That *Pileus Ducalis crinitus*, of which he ſpeaks, is the *Pileus Ducalis circumdatus ſerto pinnito* in the Patent, and no other than a kind of radiant or pointed Crown, whereunto afterward theſe Archdukes had a privilege to add a Croſs: ſo I underſtand that in the Charter of liberties granted to *Frederick* Duke of *Auſtria*, by the Emperor *Frederick* the Second, in MCCXLIV. *Concedimus* (ſays[d] the Emperor) *noſtro illuſtri Principi* Duci Auſtriæ *Crucem noſtri Diadematis, ſuo principali pileo ſufferendam*. The form of the Cap and Coronet of *Auſtria* with the Croſs, is thus divers times expreſſed in the Edition of the *Syriack* Teſtament printed at *Vienna*: yet ſometimes it is drawn with arches rais'd from the four ſides as a perfect cloſe Crown; ſo I ſee it in the **Thurnier Buch**[e] of *Germany*. But in the Charters of the Emperors, the title of Archduke occurred not, as expreſly given to thoſe of *Auſtria*, for many years after the Creation of the firſt Duke there; as eſpecially we ſee in that[f] by which Duke *Frederick* was created into the title of King by the Emperour *Frederick* the Second. Nevertheleſs, the title of Archduke (as communicable to thoſe which were the more eminent Dukes of the Empire) is antienter in the Empire, than the title of Duke is in *Auſtria*. That we ſee expreſly in that Charter of Creation of the firſt Duke of *Auſtria*, where *Archiduces Palatini*, for the chief Dukes of the Court are remembered. And divers ages before, *Witichind* King of *Saxony*, being conquered by *Charles* the Great, was called Archduke of *Saxony*, if[g] my Authour deceive not. *Bruno* alſo being Archbiſhop of *Cologne* was made Duke of *Lorrain* by his brother *Otho* the great, and wrote himſelf *Archduke*, where the name of *Archduke* is obſerved to have been firſt uſed; but ſo, that none of his Succeſſors in *Lorrain* imitated him. *Non ante ea vox aut dignitas* (ſaith[h] *Lipſius*) *nec in* Lotharingia *quidem poſt illum hæſit*. And he gives his fancy, both whence this *Bruno* uſed it, and whence *Auſtria* might take it. *Opinor ſolo Archiepiſcopi nomine motum* (ſo are his words) *& viſum ei decorum illud* Archi *etiam in* Ducem *tranſferre. Exemplum quidem* (*quod ſciam*) *ante non fuit*; *& illi* Auſtriæ, *diu poſt uſurparunt*; *mirum ni iſto præeunte. Et ſi fortaſſe alia etjam cauſa, aut jus. Nam & inſignia* Lotharingiæ *iidem* Auſtriaci *gerunt*



c *Tom.4.Concil.part.1 pag.* 235 Dux *item Auſtriæ dictus* Maximilianus *Anno* 1480 *in inſtrumento illo quod ad nuptias, inter* Philippum Cadreleſii Comitem *F. ejuſdem* Maximiliani & Annam Edwardi *quarti Regis* Angliæ *filiam contrahendas ſpectabat, atq; alibi eodem ævo, ut videre eſt in* Rot. Franc. 20. Ed. 4. membr. 8. *&c.*

d Cuſpinian. *Auſtr. pag.* 34.

e Thurnier Buch *part.* 2. *fol.* 27.

f Petr. de Vines *lib.* 6. *Epiſt.* 26.

g Beſold. *Politic. diſcurſ.* 4. *cap.* 3.

h Lovan. *lib.* 1. *c.* 9.

gerunt. Some also tell us of a Custom in *Germany*, [i] *Ut cum filii appellentur* Duces, *eorum tamen primogenitus frater appelletur & vocetur* Archidux. And this is affirm'd for a truth, by [k] *Knichen* Chancellor of the Duchy of *Saxony*. But in [l] others of the Empire, I read that the Emperours have denied this title to all (though some have importuned them for it) saving to those of *Austria*. *The Empire.*

i Mozz. *de Feud. tit. de his qui Feud. dare poss. n. 16. apud* Stephan. Pomeran. de *Jurisd. lib. 2. part. 1. cap. 6. §. 77.*
k *Comm. ad Jus* Saxon. *cap. 4 pag. 117.*
l Besold. *Politic. discurs. 4. cap. 3. 7.*

XXXI. As in *Germany*, the Dukes of *Austria* are especially eminent by the title of Archduke, so in *Italy* are those of *Florence*, by that of *Great Duke*, or *Gran Duca*, or *Magnus Etruriæ Dux.* But this began in *Cosmo di Medices Duke of Florence*, who was created into it in the year MDLXIX. by the Bull of [m] *Pius Quintus*, when he would have made him a King, but that the Emperour *Maximilian* the first allowed [n] that name to none in *Italy*, besides himself. The Bull was in these words.

m Cherubin. de Nursia Bullar. *tom. 2. constit.* Pii 5. 88. *p.* 288. P. Matth. *in summ. constit. Pont. Const.* Pii 5. 35. *p.* 614.
n Bodin. *de Rep. lib. 1. cap. 9.*

PIus *Episcopus, servus servorum Dei. Ad perpetuam Rei memoriam.* Romanus *Pontifex in excelso militantis Ecclesiæ Throno, disponente Domino, super gentes & regna constitutus, post perlustratas suæ indefessæ mentis acie Orbis Christiani Provincias, circumspecta sua providentia præclaros, ac Principes viros, qui de sancta sede Apostolica, fidéque Catholica bene mereri videntur, singulari suæ benignitatis clementia, quantum sibi ex alto conceditur, augere eósque insignibus, ornamentis, ac speciosis honorum titulis decorare, atque illustrare consuevit, necnon aliàs disponit, prout temporum, locorum, & personarum qualitate pensata, conspicit in Domino salubriter expedire. Sane cum Nos his nostris luctuosissimæ tempestatis diebus, animo nostro diu multúmque gravissimo cum dolore versaremus, quot & quantæ pestiferarum hæresium sectæ quotidiè undique erumperent, diráque & exitiosa perditorum hominum à fide Catholica aberrantium semina passim serperent, & usque quaque propagarentur, omnia* Italiæ *loca circumspicientes,* Ethruria *provincia, nobilitatis decore, & antiquitatis nomine à majoribus celebrata, cujus maxima pars quæ nobis & ipsi Apostolicæ Sedi subjecta non est, ab omnibus ferè lateribus ditioni nostræ Ecclesiasticæ contermina atque conjuncta existit, nobis præcipuè occurrit, quam divinæ primum bonitatis gratia, solicitudinéque ac vigilantia nostra, deinde præstantissimi ac Religiosissimi ejus Principis virtute, consilio, diligentia, præ cæteris intactam & incorruptam, ab hujusmodi perniciosa labe & contagione, sartam tectam conservatam esse conspicimus. Huc accedit, quod profecto magnopere nos movet, Sedem Apostolicam, cum ob Regionis vicinitatem, tum propter loci opportunitatem gratissima plerumque obsequia, atque etiam commoda, subministratis ab* Ethruscis *auxiliis, à multis*

The Empire. *multis jam ante ſæculis recipiſſe, idque complures* Romanos *Pontifices prædeceſſores noſtros, & præſertim fel. recordat.* Innocentium *Quartum*, Clementem *etiam Quartum*, Gregorium *Decimum*, Benedictum *Undecimum*, Martinum *Quintum*, & Leonem *Decimum luculenter teſtatos fuiſſe, adeò ut tam eandem provinciam, quam ejus Rectores & Magiſtratus ob peculiarem eorum erga* Romanam *Eccleſiam devotionem, & obſervantiam, propenſo paternóque affectu, variis gratiis, honoribus, ac privilegiis jure cohonestandos, atque ornandos eſſe duxerint. Quibus rebus debita meditatione maturè conſideratis, attendentes quoque in primis quod dilectus filius, nobilis vir,* Coſmus Medices *Reipublicæ* Florentinæ *Dux, majorem indies ſuæ eximiæ virtutis ſplendorem, ferventiorémque Catholicæ Religionis cultum, & in adminiſtranda Juſtitia præcellens ſtudium, ex eo tempore quo imperare cœpit, nuſquam prætermiſſum, laudabiliter præ ſe ferre non ceſſat; Quod omnibus in occaſionibus, nobis, ac prædeceſſoribus noſtris, & Apoſtolicæ Sedi, prompto ac libenti animo obſequi ſemper ſtuduerit; Quod nos & eandem Sedem ab ipſo noſtri Pontificatus initio continuato debitæ reverentiæ honore coluerit; mandatis noſtris filiali obedientia paruerit; honeſtis noſtris petitionibus obſequentiſſimè morem geſſerit; Quod à Nobis requiſitus, cœpta noſtra pecuniis, peditatu, equitatúque alacriter juverit, præſertim pro ferendo auxilio Chariſſimo in Chriſto filio noſtro* Carolo Francorum *Regi Chriſtianiſſimo, adverſus ejus rebelles, & hæreticos, centum etiam aureorum millia, ultra alia, illi mutuando; hortatu noſtro id fecerit; Quod majora, ſi uſus venerit, ad Catholicæ fidei defenſionem, & incrementum ſe præſtaturum ultro pollicetur; Qui pro inclyta ejus in Deum pietate, ſuperioribus annis, militiam Sancti* Stephani, *ad ſanctæ fidei exaltationem ac propagationem inſtituerit, bonis ditaverit & ampliaverit; Quod univerſæ prope provinciæ* Ethruſcæ *imperſcrutibili Dei judicio ad ſummæ dignitatis poteſtatem civium* Florentinorum *aſſenſu vocatus fœliciſſime præſit ac dominetur; Quod delatum ſibi admirabiliter Principatum admirabilius regat & moderetur, illúmque incomparabili prudentia ac ſapientia in pacis ac juſtitiæ amœnitate, ab ineunte ejus ætate diligentiſſime contineat & conſervet; Quod terra maríque præpotens exiſtat; Quod Piratis, facinoroſis ſicariis, quietis & otii turbatoribus necnon noſtris & hujus Sanctæ Sedis rebellibus, & adverſariis hoſtis acerrimus, ſcelerúmque & delictorum ſeverus vindex ſit; Quod numeroſa ac frequenti populorum ei ſubditorum Deo benedicente multitudine, copioſis*

grandibúſque

grandibúsque redditibus, & ampliſſimis proventibus gaudeat, & fruatur; Quod validus peditum & equitum numerus in omnes uſus ei præſto ſemper eſſe poſſit; Quod quamplures florentiſſimas urbes, tam Cathedralium quam earum nonnullas Metropoliticarum Eccleſiarum dignitate inſignes, ac ſtudiorum generalium univerſitatibus ornatas, munitiſſimos portus, validiſſimas arces, loca tutiſſima, triremium claſſe paratam, & inſtructam tam ad Tyrrheni *ſui Maris, quam etiam ad noſtræ oræ maritimæ tutelam habeat; Quod rerum omnium copiâ, ditionis amplitudine, locorum ubertate, continua vitæ fœlicitate, demúmque gentis celebris admodum & opulentæ viribus firmiſſime ſubnixus vigeat; Quod cuncta hæc ipſa bona per immenſam Dei Omnipotentis benignitatem ſibi elargita, ad divinum honorem & gloriam paratiſſima ſemper fore profiteatur; Quod abſoluta poteſtate ratione liberi & directi dominii* Florentini *nemini ſit ſubjectus ita ut juxta diſtinctionem piæ memoriæ* Pelagii *ſimiliter* Romani *Pontificis Prædeceſſoris noſtri, uti Rex &* Magnus Dux *ac Princeps meritò exiſtat, & inter cæteros magnos Duces ac Principes re ipſa eſſe, cenſeri, & connumerari poſſit, & debeat. Nos igitur tot ac tantis rationabilibus, digníſque de cauſis, clariſſimis quoque ipſius* Coſmi Ducis *erga Nos & Sedem eandem meritorum, & officiorum monumentis inducti, firmáque ſpe freti, quod is, & ejus ſucceſſores, collati noſtri in eos beneficii memores debitam Nobis, futuríſque* Romanis *Pontificibus grato animo fidei ac devotionis ſinceritatem, perpetuò exhibere, conſervaréque ſtudebunt; Attendentes etiam, quod ſane plurimi facimus, dictum* Coſmum *Ducem, ac dilectum filium nobilem virum* Franciſcum *ejus filium primogenitum arctis admodum affinitatis ſanguinis, et neceſſitudinis vinculis cum Chariſſimo in Chriſto filio noſtro* Maximiliano *in Imperatorem electo, et maximis Chriſtiani nominis Regibus conjunctos eſſe, eósque à nobiliſſima ſtirpe* Mediceæ *multis honoribus et titulis decorata, et ex qua tot illuſtres Proceres, ac tres* Romani *Pontifices prodierunt, ortum habere; Propterea eundem* Coſmum *Ducem ſpecialibus favoribus, & gratiis paternè benignéque proſequi volentes, ipſúmque à quibuſvis excommunicationis, ſuſpenſionis, et interdicti, aliíſque Eccleſiaſticis ſententiis, cenſuris, et pœnis à jure vel ab homine quavis occaſione vel cauſa latis, ſi quibus quomodolibet innodatus exiſtit, ad effectum præſentium duntaxat conſequendum, harum ſerie abſolventes, et abſolventes, et abſolutum fore cenſentes, Motu proprio, non ad ipſius* Coſmi *Ducis, ſeu alterius pro eo Nobis ſuper hoc oblatæ petitio-*

The Empire.

nis

The Empire.

nis instantiam, sed ex certa scientia, maturáque deliberatione, & mera liberalitate nostris, ac de supremæ nostræ Apostolicæ potestatis plenitudine, tam dictorum Prædecessorum, quam etiam Alexandri III. & Innocentii *pariter* III. *ac* Pauli IV. *similiter Prædecessorum nostrorum, qui* Portugalliæ, Bulgarorum, *ac* Blanchorum, *necnon* Hiberniæ *Reges*, & *ut tunc Dux* Bohemiæ *Rex in suis Literis nominari possit, respective crearunt, constituerunt & concesserunt, aliorúmque* Romanorum *Pontificum erga diversos Principes exempla sequentes, vestigiísque inhærentes, ut potissimum cæteri Principes hoc exemplo invitati ad bene de sancta hac Sede promerendum incitentur, eundem* Cosmum Ducem, *ejúsque Successores pro tempore existentes Duces, perpetuis futuris temporibus in* Magnos Duces & Principes Provinciæ Ethruriæ *sibi pro Maxima illius parte subjectæ, & in ipsa Provincia respective autoritate Apostolica tenore præsentium creamus, constituimus, pronunciamus, & declaramus,* Magnorumque Ducum Ethruriæ Provinciæ, *ut præfertur, eis subjectæ nomine, titulo, & denominatione extollimus, & amplificamus, necnon eos dictæ* Ethruriæ *Provinciæ eis subjectæ* Magnos Duces *et* Principes *ab omnibus nominari, appellari, inscribi, dici, haberi, censeri, et tractari debere volumus, præcipimus, ac mandamus, atque* Cosmum Magnum Ducem, *ejúsque Successores præfatos omnibus, & singulis Exemptionibus, Immunitatibus, Libertatibus, Favoribus, Præeminentiis, Prærogativis, Indultis, Privilegiis, aliísque quibuslibet Gratiis, et Honoribus quibus alii verè liberi, et directi Domini, ac* Magni Duces & Principes *etiam Ducali, aut aliâ quavis etiam majori dignitate præfulgentes, ac quacunque libera & absoluta potestate fungentes, in genere vel specie, in quibuscunque locis, pompis, sessionibus, celebritatibus, ceremoniis, & artibus publicis vel privatis, tam de jure quam de consuetudine, etiam in Aula nostra Vaticana, et ubíque terrarum, etiam si aliqui alii* Magni, *et similes Duces & Principes præsentes fuerint, quoquomodo utuntur, fruuntur, potiuntur, et gaudent, seu uti, frui, potiri, et gaudere in futurum quomodolibet poterunt, et soliti sunt, non quidem ad illorum instar, sed pariformiter, et absque ulla prorsus differentia uti, frui, potiri, et gaudere posse ac debere. Et insuper in evidens clarúmque propensæ nostræ voluntatis erga dictum* Cosmum Magnum Ducem *testimonium, certámque dilectionis significationem, cum amplioris quoque gratiæ, et favoris prærogativa, maximè dignum censentes, ut juxta sententiam* Clementis *Quarti prædecessoris nostri prædicti, ex*

majori

majori decore ornatum, majoritas appareat dignitatis, ipſum The Em-
Coſmum Magnum Ducem, *& ejus Succeſſores hujuſmodi,* pire.
Regali Corona, *ut inferius depingi mandavimus, qua ſuper eorum gentilibus inſignibus, ad illuſtrius nobiliúſque ipſorum decus & ornamentum, uti, eámque portare, ferre, & geſtare, depingíque & inſculpi facere libere & licite poſſint, & valeant, motu, ſcientia, ac poteſtatis plenitudine ſimilibus decoramus, exornamus, & inſignimus, decoratóſque exornatos, & inſignitos fore & eſſe. Præſentéſque literas de ſubreptionis vitio, aut intentionis noſtræ, ſeu quocunque alio defectu ex quavis etiam quantumlibet juſtiſſima, & urgentiſſima, rationabilíque cauſa nullo unquam tempore à quoquam notari vel impugnari poſſe, ſed illas validas & efficaces perpetuo fore & eſſe, ſuóſque plenarios, totales, & omnimodos effectus ſortiri poſſe ac debere in omnibus & per omnia, ac ſi conſiſtorialiter & de fratrum noſtrorum conſilio factæ & in ipſo Conſiſtorio noſtro ſecreto lectæ fuiſſent. Sícque per quoſcunque Judices etiam Imperiali, Regia, Ducali, vel quavis alia excellentia, ac dignitate præditos, & alios Commiſſarios qualibet auctoritate fungentes, etiam cauſarum Sacri Palatii noſtri Auditores, & ſanctæ* Romanæ *Eccleſiæ Cardinales, ſublata eis, & eorum cuilibet quavis aliter judicandi, ſententiandi, diffiniendi, et interpretandi facultate et autoritate, judicari, diffiniri, & interpretari debere; ac quicquid ſecus ſuper his à quoquam quavis auctoritate ſcienter vel ignoranter contigerit attentari, irritum, et inane decrevimus et declaramus. Non obſtantibus quibuſvis conſtitutionibus et ordinationibus Apoſtolicis, ac Provinciarum, Civitatum, et locorum quorumlibet ſtatutis & conſuetudinibus, etiam Juramento, confirmatione Apoſtolica, vel quavis firmitate alia roboratis, privilegiis quoque indultis, et Literis Apoſtolicis, illis et quibuſvis aliis perſonis etiam Ducibus quibus forſan per Sedem Apoſtolicam conceſſum ſit, quod privilegiis, præeminentiis, favoribus, indultis, et gratiis ad inſtar* Magnorum Ducum, *perindè ac ſi ipſi* Magni Duces *realiter et cum effectu eſſent, uti et gaudere poſſint, in genere vel in ſpecie ſub quibuſcunque tenoribus et formis, ac cum quibuſvis etiam derogatoriarum derogatoriis, et quantumcunque efficaciſſimis clauſulis, et decretis quomodolibet conceſſis, confirmatis et innovatis (quibus omnibus etiamſi de illis, eorúmque totis tenoribus ſpecialis, ſpecifica, et expreſſa et individua, ac de verbo ad verbum mentio ſeu quævis alia expreſſa habenda, aut aliqua exquiſita forma ad hæc ſervanda eſſet, eorum omnium te-*

The Empire.

nores præsentibus pro sufficienter expressis habentes illis alias in suo robore permansuris, hac vice duntaxat ad effectum præsentium specialiter & expresse derogamus totalitérque & latissime derogatum esse volumus & decernimus) cæteríque contrariis quibuscunque. Salva nihilominus in nostris dictæ Provinciæ, Civitatibus, & locis, nostra, & Romanæ *Ecclesiæ auctoritate, jurisdictione, & potestate, necnon Imperatoris, & Regum superioritate, Jurisdictione, ac quibusvis juribus respectivè in locis mediatè vel immediatè eis subjectis, ac citra aliquod præjudicium Civitatum, Terrarum, & Locorum in eadem* Ethruriæ *Provincia consistentium quæ non sunt ditiones dicti* Cosmi Ducis, *nec ei quomodolibet subjecta sunt, neque alio modo obediunt. Nulli ergo omninò hominum liceat hanc paginam nostrorum absolutionis, creationis, constitutionis, pronuntiationis, declarationis, amplificationis, voluntatis, præcepti, mandati, decorationis, exornationis, insignitionis, & derogationis infringere, vel ei ausu temerario contraire. Siquis autem hoc attentare præsumpserit, indignationem omnipotentis Dei, ac beatorum* Petri & Pauli *Apostolorum ejus se noverit incursurum. Datum* Romæ *apud S.* Petrum, *Anno incarnationis Dominicæ millesimo quingentesimo sexagesimo nono.* VI. *Calend.* Septembris, *Pontificatus nostri anno quarto.*

This Bull of Creation was sent to the Duke of *Florence* by *Signior Michaele Bonello.* And the *Regalis Corona* here spoken of, is a Crown radiant or pointed, or as the old *Corona rostrata*, a Flower *de lis* being raised in the Front of it. And, by the direction of *Pius Quintus* it hath these [m] words inscribed on it. *Pius Quintus Pontifex Maximus, ob eximiam dilectionem ac Catholicæ Religionis zelum præcipuúmque justitiæ studium, donavit.* It was solemnly afterward put on the Duke by the * Pope at the Solemnities of the Investiture which are thus described by one that calls him *Archidux*, in stead of *Magnus Dux*.

m Anton. Gabutius *de vita Pii 5. lib 3. cap. 16. &c.*

* Fr. Modius *Pandect. Triumph. tom. 1. lib. 4. cap. 27.*

De Inauguratione Cosmi Medicei *in* Magnum Ducem Ethruriæ, *Romæ anno* CIↃ. D. LXX.

DOminica lætare, *quæ fuit* V. Martii *anno* CIↃ. ID. LXX. Cosmus Mediceus *Dux* Florentinus *inauguratus est* Romæ *in* Magnum Ethruriæ Ducem *à Pontifice* Pio V. *in Sacello S.* Sixti, *Præsenti Cardinalium consessu, & multis alioqui proceribus, his fere cum ceremoniis quæ sequuntur.*

Pontifici ex Palatio descendenti in eum locum ubi indúi Pontificalibus & adsolennem talem inaugurationem pertinenti-

bus

bus solet, Cosmus *Dux veste Ducali ipse indutus, hoc officium præstitit, ut togæ ejus extremas lacinias à tergo per viam gestaret. Hic comparens in re præsenti Orator Cæsareus coram Cardinalibus* Morono, Alexandrino, & Chiessensi, *testatus est eam inaugurationem quæ pararetur, in Domini sui præjudicium vergere, sine cujus expresso consensu nihil tale fieri deberet. Quare etiam illegitimam futuram pronuntiare sustinuit; cujus sui officii & facti ut testes essent tres modo dicti Cardinales, Oravit: addita persona publica etiam, quodam Cæsareo Notario.* The Empire.

Interpellans autem Oratorem Cæsareum Procurator Fisci, interrogavit, an mandatum nominatim ad hujus suæ cautionis formulam à Domino suo accepisset; ad quod ille respondit non ultra quam per literas interpretes, quas literas etiam suæ sanctitati ederet eo ipso momento, quibus ultro citroque dictis, facessit Orator.

Pontifex nihilo secius institit facere quod proposuisset, indutúsque solenniter & Pontificali Diademate coronatus: ad S. Sexti *sacellum perrexit*, Cosmo *semper lacinias extremas gestante, sed nunc* Archiducali *habitu, hoc est, vestito tunica talari ex holoserico rubro segmentato, cujus subdititia fultura essent* Alpinæ *mustelæ candidæ, dependentibus codis nigris ad terram fere; manicæ ejusdem generis, tam interius, quam exterius erant latissimæ. Ipsa autem tunica sub axillam alteram reducta ita erat, ut facile proderet gemmarum, & unionum vim, quibus intrinsecus ditaretur. Huic tunicæ pallium injecerat generis per omnia ejusdem, solo autem capite Ducalem adhuc pileum retinebat. Habuit autem in sacello consuetum locum inter duos Presbyteros Cardinales.*

Cum sacrum sive Missa eo perducta esset, ut cantandæ Epistolæ finis fieret; allata sunt Pontifici Diadema primum in pelvi aurata ex auro puro ductili à D. Galitto *Cubiculario Pontificio, atque inde Sceptrum argenteum à summo Lilio prægrandi decoratum, perinde in aurata pelvi à D.* Justiniano.

Hinc Cosmus *medius inter Duces* Tagliacozam & Gratianum *ad Pontificem processit, ibique in genua procubuit; Pontifex vero postquam ipsum Ducem precationibus lustrasset aliquot, Diadematíque & sceptro benedixisset: acceptum à Cardinale* Urbino *Diadema vertici* Cosmi *imposuit, qui ante pileo ex holoserico rubro segmentato tectus fuerat: similitérque Sceptrum ei in manum dedit.*

Eo habitu, Cosmus *jam Archidux Pontificis pedi osculum impressit, quem inde Cardinales duo juniores* Madrucius &

The Empire. Alciatus *medium ad locum ſuum reduxerunt, ubi antè nominati Duces Archiduci novo eam operam dederunt, ut* Tagliacoza *Diadema,* Gratianus *Sceptrum ab eo acciperent; Pontifice quoque eodem tempore ſuum Diadema deponente.*

Ad oblationis datum ſignum Archidux Ducibus altrinſecus eum comitantibus muneri obtulit Pontifici primo calicem auratum cum operculo ſuo, & patera altera aurata; qui calix dicitur habuiſſe pondus novem librarum. Erantque inciſæ in ambitu ejus arte rariſſima tres figuræ: Fidei, puta, Spei, & Charitatis; quæ manibus calicem tenerent; ad pedes vero haberent Evangelicos quatuor ſcriptores, additis inſignibus tam Pontificiis quam Archiducis, *qui ſecundum munus quatuor Prælatis in pateris afferri mandavit, quod erat amiculum aureum, cujus generis ornatu Pontifices non niſi ſolennioribus feſtivitatibus uti ſolent; & pallium item ex textili auro, quod à pectore ita conjungebatur, ut fibulæ gemmeæ & pretii incredibilis, characteres eos exprimerent & conformarent, quæ nomen Jeſu Mediatoris noſtri conficerent.*

Hæc dona Pontifici, quod ex vultu etiam ipſius colligi poterat, longe chariſſima Cardinali Urbino *commiſſa ſunt, qui ea expoſuit in ara quæ juxta erat; Cuique idem Cardinalis* Urbinus, *tanquam ſenior inter Presbyteros Cardinales, aſſidere ſolet.*

Archiducem *Duces ad locum reduxerunt, ni etiam idem ad ſacri finem uſque operam dederunt.*

Finito ſacro ad officium ſuum rediit Archidux, *utque erat Diademate ornata, tranſlato in ſiniſtram ſceptro, dextra poſticam veſtem Pontificiam, tulit uſque eum locum, ubi exui de more is conſuevit.*

Qui depoſitis Pontificalibus Roſam ſacratam Archiduci *in donum dedit, quam ille lætus ad hoſpitium ſuum uſque ipſe ferre voluit: proſequentibus eum omnibus omnino Cardinalibus, & novum ei honorem gratulantibus: etſi perſequendi officium magis* Roſæ ſacræ, *quam* Archiduci *imputaſſe atque impendiſſe credantur.*

Sacrum fecit eo die Cardinalis Donellus, *tanquam Pontificis Vicarius. Ceremoniis tamen hujus inaugurationis nemo Legatus, aut Orator exbernorum Principum Gentiúmque interfuit; exceptis duobus* Alexandrinis *fratribus & filio legati* Luſitanici.

Sub noctem ignes quidem privatim à quibuſdam lætitiæ indices excitati ſunt, ſed publice nulli.

Die Lunæ Archidux *cœpit ſalutandis Cardinalibus operam*

ram dare, ex quibus eum humaniſſime excepere Piſanus, Far- *The Em-*
neſius, Ferrarienſis, Urbinas, *et* Corregius, *qui etiam comi-* *pire.*
tatui ipſius, honoris cauſa, vinum tragemataq; largiſſime præ-
buerunt. Idem Archidux *non parvam pecuniæ ſummam, apud*
Preſbyteros Hieronimianos *depoſuit, ipſorum arbitrio in pau-*
peres, et egenos erogandam.

Eo tempore illuſtriſſimus Paulus Jordanus Roma *deceſſit, cu-*
piens ea domi providere, quæ ad novum Archiducem *quam ho-*
norificentiſſime excipiendum pertinerent.

Miſſus eſt etiam Pontificis nomine ad ditiones Sedi Roma-
næ *ſubjectas* D. Harnius, *qui curaret* Archiducem *paſſim ma-*
ximo apparatu tractari.

Jurisjurandi Forma Archiducis.

Ego Coſmus Mediceus Magnus Dux Ethruriæ *pro-*
mitto & juro ſacroſanctæ Romanæ *Eccleſiæ, ejuſque Se-*
di Apoſtolicæ & tibi, Pie *Dei providentia hujus nomi-*
nis quinte Pontifex, ſolitam hactenus obedientiam, & ve-
nerationem, quemadmodum per Legatos meos eam ad hanc
diem ſemper exhibui, & ad officium Principis pertinet.
Profiteor etiam hic me pro viribus paratum & ſtudio-
ſum ſanctam Catholicam Religionem promovere & pro-
pugnare in perpetuum, commodis ejus & tuæ ſanctitatis
ſervire; tanquam veri Chriſti *Vicarii, cui vellem plenius*
poſſe demonſtrare animi propenſionem Principis vere Chriſti-
ani, quam debeo innumerabilibus ſanctitatis tuæ in me be-
neficiis, & huic ſanctæ Sedi Apoſtolicæ, quibus ea quæ ſu-
pra meo poſterorúmque meorum nomine caveo & jurejuran-
do confirmo, Sic me Deus adjuvet & hæc Sancta E-
vangelia.

Formula cautionis qua Orator *Cæſareus* rebus Domini ſui conſultam voluit in Inauguratione *Magni Ducis.*

Quandoquidem Florentia & Senæ *Cameræ ſunt* Ro- **Videſis* An-
mani Imperii, *neque poteſt, * neq; debet circa titulum Ducis* ton. Gabuti-
Florentini *aliquid innovari citra voluntatem* Cæſareæ *Ma-* um *in vita*
jeſtatis; alioqui enim pertinebit ea res ad manifeſtum ejuſdem pii 5. *lib.* 3.
Majeſtatis præjudicium, atq; ita tanquam non facta habebitur, *cap.* 16.
& viribus omnibus deſtituetur.

Precatio

The Empire.

Precatio Pontificis ante Coronationem Magni Ducis.

O Domine Deus, extende ad hunc famulum tuum, Magnum Ethruriæ Ducem, *dexteram tuam cum cœlesti auxilio; quo ita ex toto corde suo quærat quæ divina sunt &c.*

Verba Pontificis sedentis, ad Magnum Ducem.

Accipe Coronam *testimonium glorioſarum tuarum virtutum, quam nos ex officio tibi imponimus in nomine Patris & Filii, & Spiritus Sancti.*

Quando autem deinceps obligaris & teneris Protectorem agere Fidei, hujus ſacroſanctæ Eccleſiæ, viduarum, pupillorum, & omnium afflictorum, opèque indigentium, vide in poſterum gubernator & adminiſtrator ſis juſtus & clemens; ut coram Deo glorioſus Athleta omnium virtutum gemmis ſplendeas; quam gratiam tibi faciat Dominus noſter Jeſus Chriſtus *qui cum Patre & Sancto Spiritu imperat & regnat in omnia ſæcula ſæculorum.* Amen.

Accipe Virgam *amoris atq; æquitatis in nomine Patris, &c. qua unicuiq; retribuas pro meritis ſuis, mulceas bonos, terreas improbos; & ut Deum ſemper ante oculos habens neq; in dextram neq; in ſiniſtram declines, ſed æqualis ſis omnibus, pauperes protegas, malos punias; ut omnes intelligant te cultorem juſtitiæ, oſorem iniquitatis, quod tibi concedat qui eſt benedictus in ſæcula ſæculorum.*

Benedictio Pontificis.

Deus Pater ſempiternæ gloriæ ſit adjutor & protector tuus, benedicat tibi omnipotens; audiat in omnibus orationem tuam, & impleat vitam tuam dierum plenitudine, confirmet dominationem tuam, populos tibi ſubjectos foveat, hoſtes tuos perdat: ſanctus Chriſti *Vicarius in te inſpiret, ut quemadmodum hîc tibi ditiones terreſtres contulit, ita in cœlis præmia tibi æterna largiatur, &c.*

The Name of *Great Duke* or **wielkie Xsiąże**, is alſo uſed by the King of *Poland* in his ſtile of ſome of his Duchies. But that is in regard of other Dukedoms that are within thoſe Duchies, and not from any

any particular inſtitution. Nor was it by Creation that the Title of *Great Duke* was given to thoſe of *Burgundy* and *Sileſia* antiently. Yet in the States of the Empire before *Goldaſtus* his Conſtitutions, and elſewhere, they are reckoned by that name together with *Magnus Dux Lithuaniæ*. That Officiary Title of Μέγας Δούξ or Δοῦκας, or *Great Duke*, which was in the Eaſtern Empire in the nature of the Lord High Admiral with us, and ended with the *Greek* Empire of *Conſtantinople* in *Lucas* [a] *Notaras*, belongs not to this place. And for the Title of Μέγας Δούξ, or *Great Duke* fixt antiently on the Prince of *Athens*; we have only *Nicephorus Gregoras* (that is, a later *Grecian*) his word for it. *The Empire.*

a Cruſ. *Turco-græc.* pag. 55.

XXXII. As the Title of Duke, ſo that of Count or *Comes* or **Grave** or **Graffe** (as it is varied in the *Dutch* Dialects) hath been joyned alſo with Fiefs or Territories in the Empire, and that from the Examples uſed in the *French*, *Italian*, and *German* Kingdoms, before *Charles* the Great, as is before ſhewed. And the title of *Count* or **Grave** is alſo variouſly otherwiſe uſed now in the Empire, than with relation only to Feuds. Of thoſe therefore that are *Counts* there, for methods ſake, I firſt make (I mean of ſuch as are immediate to the Emperour) Six kinds; the Firſt, ſuch as are called *Counts* or **Graves**, without other ordinary note or addition, in expreſſing the name of their Dignity, than the place which is their County or **Grafſchaft**, unleſs you call it an addition to their Dignity in that they are ſtiled ſometimes **Schlecht graven** or *ſimple Counts*, or the like; The Second, *Counts Palatin*, which alſo are anon duly ſubdivided; The Third, *Counts of the Empire*, without relation to any Feud; The Fourth, *Counts of Frontiers*, or **Marckgraves**, or *Marqueſſes*; The Fifth, *Counts of Provinces*, or **Landtgraves**, and the Sixth, *Counts of Cities* or eminent Towns, or **Burggraves**. **Heregrave** alſo, or *Comes Militaris*, and ſome ſuch other [b] have been in uſe there, which we omit. As we do alſo, in this place, the Office of **Freygrave** [c] and ſuch like, and all relation that any of theſe which make the parts of our diviſion have to the particular title of Prince. For although their **Gefurſtete Graven**, or *Counts that have that particular title of Prince*, ſeem perhaps juſtly to challenge a place of a member in the diviſion of their *Counts*, yet we have rather left it to another diviſion concerning moſt of their Titles which we ſhall make anon, where we ſpeak of their Title of **Furſt** or *Prince* in the Empire. Therefore here, of thoſe ſix kinds only. And firſt of *Counts* or **Graves** without other ordinary addition than of their Territory, as **Graffe von Eiſſenburg, von Oytenburg**, and the like. They are ſometime called *Graphiones*, in the old Writers and their Territories, (and Dignities alſo in the abſtract) *Comitatus*, *Cometia*, and *Comitiana*. The Creation and Inveſtiture of *Counts* or **Graves** having Territories or **Grafſchafts**, was antiently as of Dukes by the delivery of one or more Banners, in the name or for ſeiſin of their Territories, whereof [d] before. But in later time it hath varied and ſometimes is by Charter, and ſometimes by word only, as it ſeems by that of *Charles* V. his Creation of *Adrian de Croy*, Lord of *Rhodo*, into the Title of *Count of Rhodo*. The Emperour at his Coronation in *Bologna*, ſitting with his Crown on his head, and his Scepter and Mound in his hands, called for *de Croy* (who came and kneeled before him) and thus created him, as *Cornelius Agrippa* [e] relates it.

b *Vide* Goldaſt. *in ord. præfixis tom.* 1. *Conſtit. pag.* 35. Knichen *de Jure territorii cap.* 4. *n.* 51. *&c.*

c *Vide* Frigraviatum *conceſſum à* Ruperto *Impr.* Goldaſt. *Conſtit. tom.* 1. *pag.* 586.

d §. 25.

e *Apud* Goldaſt. *Politic. Imperial. part.* 4. *pag.* 337.

Non

The Empire.

Non me latent, generoſe Adriane, *majorum tuorum vetuſtiſſimæ nobilitatis imagines eorundémque erga prædeceſſores noſtros ingentia merita. Sed nec tuam in majorum tuorum virtute imitanda conſtantiam ignoro, qui tua ſtrenuè geſta magnificéque facta expertus, dignum virtutibus tuis præmium referre ſtatuens, te unum vocavi & elegi, in quem hujus ſacri Diadematis primitias impenderem, téque quod & merita tua depoſcunt, & virtutes tuæ merentur, in ſacri* Romani Imperii Comitem *proveherem. Quæ dignitas nunc noſtro Imperio gloria, tibíque ac tuis ſucceſſoribus perpetuum decus eſto.* Sacri Romani Imperii Comes bona fide appellator, *tuóque* Rhodio *Dominio, cum adjacentibus illi terris tuis, tu & ſucceſſores tui, deinceps* Comitatus titulo *fruuntor, æqualem cum cæteris* Romani Imperii Comitibus *dignitatem habento, paribus honoribus, privilegiis, præeminentiis, libertatéque ſine ulla contradictione utuntor. Qui in iſtis contradicere tibi auſus fuerit, aut obſtinatus non paruerit, Sacri* Romani Imperii *Rebellis, & Majeſtatis noſtræ reus habetor.*

Of this kind of *Counts* or **Graves**, there were heretofore (according to that diſtinction in moſt other Orders of the Empire by the ſeveral numbers of four for the moſt eminent) four *Graves* or *Counts*, or **die [f] vier Graven deß heiligen Romiſchen Reichs**, that is, *the four Graves of the Holy* Roman *Empire*, or **die vier Schlechte graven**, *the four ſimple Graves*; the *Grave of Cleeve*, of *Schwartzenburg*, of *Ciley*, and of *Savoy*. But thoſe of *Cleeve* and *Savoy*, being ſince raiſed into Dukes, and the *Graves* of *Ciley* being extinct about CLXX years paſt, the Count of **Schwartzenburg** in *Thuringia*, only remains of them, and to this day ſtiles himſelf, **der vier Graven deß Reichs, Grave zu Schwartzenburg**, *of the four Graves of the Empire, Grave of Schwartzenburg.* The *Graves* or *Counts* of the Empire have Caps [g] as the Dukes. But alſo one ſpeaking of both thoſe Dignities, gives to them both, Crowns diſtinguiſht only in richneſs. *Inſignitur Dux ſicut Comes, ſuperaddito, quod in Corona Ducis* (ſo are [h] the words, which ſuppoſe that both have their Crowns) *ſunt affixi & inſculpti lapides & gemmæ pretioſæ, ad demonſtrandam ejus dignitatem magis eſſe præfulgidam & illuſtrem; cum regulariter ex æquitate ornamentorum cognoſcatur majoritas dignitatis.*

But there are alſo ſome *Counts* that have no Inveſtiture into any **Graffſchaft** or County, and yet are called *Graves* or *Counts* of ſome Caſtles or ſmall Territories which they poſſeſſe, and are (as it is conceived by [i] great Lawyers) of the Poſterity of ſome ſuch as were *Counts* of the old Empire, in the time before that Feuds were annext to this Dignity, and ſo thence retain the name ſtill of *Count* joyned with their Caſtle or Territory. And of theſe they remember ſpecially the *Graves* of **Ottingen**, and of **Zollern**. Theſe in regard of their denomination or title, though not of their nature or Inveſtiture, are to be reckoned with the *Counts* here of the firſt kind.

To theſe belongs that Example (which I confeſs is ſingular to me; for I have not obſerved the like of it) of the **Graffſchafft** of *Cambray*, given

[f] Paurmeiſt. *de Juriſdict. lib. 2. cap. 10. §. 24.* Stephan. *de Juriſdict. lib. 2. part. 1. cap. 6. §. 115.* Goldaſt. *Ord. præfix. tom. 1. Conſtit. pag. 35.*

[g] *Templum Judic. lib. 1. cap. 6. §. 1.*

[h] Nicol. Intrigliol. *apud* Stephan. *de Juriſd. lib. 2. part. 1. cap. 6. §. 69. & vide ſupra §. 27*

[i] Petr. *de* Andlo *de Imp. Rom. lib. 2. cap. 12. & lib. 1. cap. 15.* & Paurmeiſt. *de Juriſdict. lib. 2. cap. 10. §. 15. &c.*

given in MVII, to *Earlwin* Biſhop of *Cambray* and his Succeſſours by the Emperour Saint *Henry* the Second, ſo that he might there *eligere Comitem*, and enjoy alſo the Grafſchaft. The words are, *The Empire.*

IN Nomine S. & individuæ Trinitatis, Heinricus, *divinâ clementia favente, Rex; Omnibus Sanctæ Dei Eccleſiæ fidelibus, præſentibus & futuris, notum fieri volumus, qualiter nos, tam animæ noſtræ conſultu, quam Venerabilis* Hereberti *Archiepiſcopi* Colonienſis *interventu*, Chambracenſi Eccleſiæ, *in honore S.* Mariæ *conſtructæ*, Comitatum Cameracenſem, *hac noſtræ autoritatis præceptali pagina, prout firmiſſimè potuimus, in proprium donavimus, Præcipientes igitur, ut prælibatæ ſedis venerabilis* Earlwinus *Epiſcopus ſuíque ſucceſſores, liberam dehinc habeant poteſtatem*, eundem Comitatum, *in uſum Eccleſiæ ſupradictæ*, tenendi, Comitem eligendi, *bannos habendi, ſeu quicquid ſibi libeat modis omnibus inde faciendi. Et ut hæc noſtræ traditionis autoritas ſtabilis et inconvulſa permaneat, hanc chartam inde conſcriptam manu propria roborantes, ſigilli noſtri impreſſione, inſigniri juſſimus.*

[m] *Signum Domini* Henrici *Regis invictiſſimi* Eberhardus *Cancellarius, vice Willegeſi Archicapellani, recognovit.*

Data XI. *Kalend.* Novembris, *Indictione* V. *anno Dominicæ incarnationis* MVII. *anno Domini* Henrici *ſecundi regni* VI. *Actum Aquiſgranienſi palatio feliciter*, Amen.

m That was, the capital letters of *Heinricus* caſt into the draught of one figure, as the faſhion of the Emperors then was: as you may ſee it in *Georgius Colvenerius* his Notes upon *Baldricus* his *Chronicon Camerac. lib.* 1. *cap.* 119. *pag.* 495. taken out of the Records of the Church of *Cambray.*

For a time, the Biſhops appointed a Count under them for Government, which I think is the ſame with *Caſtellanus Civitatis* in *Baldricus*. And in *Manaſſes* Biſhop of *Cambray* his confirmation of *Wencmar*, *Chaſtelan* of *Gant*, his Charter of foundation of *Barheim* dated in MCI. at *Gant*, the time is further deſigned [n] by *regnante* Philippo Francorum *rege, Epiſcopante* Manaſſe Cameracenſi *Pontifice*, Roberto Roberti *filio in Comitatu agente*, where I take this *Robert Fitz Robert* to be the Count appointed by the Biſhop. I ſee alſo *Comitatum* granted to ſome [o] Monaſteries by which, whether the title of Count were ever enjoyed, I know not. But afterward the Biſhops of *Cambray* kept and uſed the title of Count there themſelves, as appears by that title of *Comes Cameraceſii*, which you ſee before in [p] the Creation of the Biſhop into the title of Duke of *Cambray*. And what *Aubertus Miræus* hath in his notes upon thoſe words *Comitem eligendi*, in the Charter, is here obſervable; *Lector curioſus notet* (ſaith [q] he) *olim* Lotharingiæ *Superioris & Inferioris*, *adeoque* Belgiæ *noſtræ Epiſcopos, habuiſſe jus eligendi & conſtituendi Comites in ſuis Civitatibus qui jus gladii exercebant. Hinc Comites* Cameracenſes, Atrabatenſes, Treverenſes, Metenſes, Virdunenſes, Tullenſes, *& alii paſſim qui medii ævi hiſtoriis occurrunt. Coloniæ Agrippinæ etiamnum Comes*, Greve, *ab Archiepiſcopo conſtitui ſolet, qui jus gladii exercet. Inſoleſcentibus poſtea Comitibus* (*ut de* Cameracenſibus Baldricus *in Cronico teſtatur*) *Epiſcopi plerique Comitativam dignitatem ac titulum ad ſe traxerunt. Hinc* Tullenſes, Virdunenſes, *& alii Epiſcopi hodiéque Comites Nuncupantur.*

n *Apud Aubert. Miræum in Diplom. Belgic. tom.* 1. *cap.* 46.
o *Ibid. tom.* 2. *cap.* 41, *&* 44.
p §. 29.
q *Ad Diplomata Belgica, tom.* 1. *cap.* 27.

The Empire.

XXXIII. *Counts Palatin* or **Pfaltzgraves** or **Delz heiligen Romischen reichs Hoffegraven**, or *Comites Palatini* or *Palantini* (as they are sometimes called) are such *Counts* as have in their title a special eminence of their dignity from a Relation (as their name denotes) to the Emperours Court or Palace. For *Palatin* or *Palatinus* is but the possessive of *Palatium*; and signifies as much as the words *of the Houshold* with us, when we say *the Officers of the Houshold.* But this title is twofold; either Originally Feudal, and annext to the name of some Territory or **Grafschaft**, with such *Jura Imperii & Majestatis* as other ordinary Princes have not, as we see in the title especially of the *Counts Palatin* of the *Rhine*; Or meerly Personal without the addition of any particular Territory proper to him that hath the dignity. For those of the first kind; As the Original and Nature of other Feudal Dignities are best discovered by the deduction of their names to the Fiefs with which they are joyned, so also will the Original and Nature of this be. And though the two kinds of *Counts Palatin* agree in Name, yet both in Nature and Original they altogether differ. And the title or name only of the first is to be deduced out of the Custom and stile of the old *French* State as from its first Original, though yet the Nature of it were more antient and that in the *Roman* Empire under the name of *Præfectus Prætorio*, as is presently shewed. But both the Title or Name and Nature also of the second kind are originally to be had from the Examples of the old *Roman* Empire. Touching the first; in the more antient times (and that also before the beginning of the *French* Empire) there was in the Court of the Kings of *France*, a great Officer known by the name of *Comes Palatii*, or *Count Palatin*, or *of the Palace*, or *Master of the Houshold*, that had a Vicegerency under the King, in like sort as the *Præfecti Prætorio* in the elder Empire, the old Chief Justice of *England* under the Kings of *England*, or in like proportion to the King, as the Chancelours or Vicars General of Bishops are to the Bishops; that is, they had the exercise of supreme Jurisdiction (for and in the name of the King) in all causes that came to the King's immediate Audience. For example; One *Andobellus* was *Palatii Comes*, in this sense, to *Chlothar* III. King of *France*, (about DCLX.) and by vertue of that Office sate [k] *ad universorum causas audiendas justóque judicio terminandas.* Other testimonies are of this Office, or Official Dignity in *Walafridus* [l] *Strabo*, *Hincmarus* [m], *Gregorius* [n] *Turonensis*, and the like. But that of *Adalhardus* who was himself a *Comes Palatii* to King *Caroloman* of *France*, is here most observable. *Comitis autem Palatii* (saith he, as *Hincmarus* relates out of [o] him) *inter cætera penè innumerabilia, in hoc maximè sollicitudo erat, ut omnes contentiones legales, quæ alibi ortæ propter æquitatis judicium* Palatium *adgrediebantur, juste, ac rationabiliter determinaret, seu perversè judicata ad æquitatis tramitem reduceret, & ut coram Deo propter justitiam & coram hominibus propter legum observationem cunctis placeret.* Whence the name of *Comes* joyned with *Palatii* came to denote this great Officer, may be easily understood out of what is already said touching the various use of that word *Comes* in the old Empire, whose Language and Customs were exceedingly dispersed over *Europe*, before the Translation to *France*. This Officiary title being thus antiently used in the *French* State, continued there afterward also in the Empire translated thither. And as the ordinary title of *Comes* alone, joyned (as is before shewed) with any Province, made that kind of *Count* or *Grave*, whose title consists only in the

k Chron. *Ms.* Divionens. *apud* Bignon *in* Marculph. *l.* 1 *De rebus Ecclesiasticis cap.* 31.

m *Epist.* 3. *cap.* 19. & 21.

n *Hist. lib.* 9. *cap.* 30. & *vide sis Capitul.* Caroli Magni *lib.* 3. *cap.* 77. *alia porrò apud* Freherum *Orig. Palat. lib.* 2. *pag.* 2 *Capitul. lib.* 5. *c.* 151. *Leg.* Longobard. *lib* 2. *tit.* 45. *&c. vide item* Aventin. *Annal. Boirum lib.* 5.

o *Videsis porro Ordinat. de Officio Comitis Palatini apud* Goldast. *Constit. Imp. tom.* 3. *pag.* 403. *quod magis ad Hungariæ regnum spectat; ubi moris illius veteris imitatio.*

the name of *Grave* or *Count* with the addition of his County or **Grafſchaft**, ſo this title of *Comes Palatii*, or *Comes Palatinus* annexed to a Province (not ſo much by expreſs name as by gift of like Juriſdiction or Power in the Province, as the *Count Palatin* in the Court had) was the Original of *Counts Palatin* of Provinces. And ſo the reaſon, why the name of *Palatin* (which by the force of the word ſeems to denote them only as if they were a part of the Houſhold) was ſo joyned with the Province, is plain enough. For whereas other ordinary *Counts* had only ordinary Power and Juriſdiction given them, and ſuch as was ſubordinate to the *Counts Palatin* that in the Emperour's Court exerciſed ſupreme Juriſdiction in the Emperour's name; theſe *Counts* that had Territories given them with a Juriſdiction of equal nature to that of the *Counts Palatin* in the Court, were as ſupreme in their Provinces, as the *Counts Palatins* were in the Court; and had all Royalties or *Jura Imperii*, which thus fixt upon them, the title of *Count Palatin*, that ſo it became to ſignifie in a Province no otherwiſe than it did at Court; as if the Emperour ſhould have ſaid in the Creation or gift of the Province, that together with the Province the perſon honoured ſhould have or might uſe the title of *Count Palatin*, becauſe in the Province he ſhould not be as an ordinary *Count*, but equal and alike in Power and Dignity to the *Counts Palatin* that were his immediate and ſupreme Lieutenants in his Palace. And the very like form alſo we ſee in the elder Empire in the Officiary dignities of the *Præfecti Prætorio*. For it is plain that the name of *Præfectus Prætorio* ſignifies but as the *Maſter of the Houſhold*, or indeed expreſly as *Comes Palatii* in the ſenſe that the *French* had it. *Prætorium* and *Palatium* being eſpecially in the middle times, meerly Synonymies; as in that of *Hincmarus* [p] or rather *Adelardus* in him; *Prætoria nunc Regia, & Veſtitatius Palatia nominantur.* And not only in ſignification but in nature alſo the *Comes Palatii* and *Præfectus Prætorio* very much agree together. For the *Præfectus Prætorio* was in the Houſhold, the like Lieutenant to the old Emperours, as the *Comes Palatii* in the *French* State.

Now we ſee that in the Officiary Dignities of *Præfectus Prætorio Orientis*, *Præfectus Prætorio Illyrici*, *Præfectus Prætorio Italiæ*, and *Præfectus Prætorio Galliarum*, the very name of the Houſhold was tranſferred from the Houſhold to the ſeveral Provinces, to denote that they who bore thoſe Offices (being as Vice-royes in their Provinces) ſhould have like power, Juriſdiction, and Dignity in their Provinces, as if by that name of *Præfecti Prætorio*, they had alwayes lived with the Emperour in the Court. And indeed in the *Roman* Empire there was nothing ſo much the ſame, or ſo near to the Officiary Dignity of *Comes Palatii* in the *French* Empire, as that of *Præfectus Prætorio*; however ſome very learned men ſuppoſe that from the *Cura Palatii* or *Curopalates* in the *Roman* Empire, and the very name of *Comes Palatii* alſo then uſed, the Original and Nature of the Preſent title of this kind of Feudal *Count Palatin* is to be deduced. It is true that the *Cura Palatii* (as it is called in the * Code) or *Curopalates*, was antiently of great Eminency in the Houſhold, and that whether you reſpect it as it was given to him that was Captain of the Emperour's Guard, or to the Maſter of the Works of the Palace. *Nicetas David* ſpeaking of *Michael* that was after Emperour, and is to this day ſtiled *Michael Curopalata*, becauſe he had that Office under *Nicephorus*, his Father in Law, ſaith, He had [q] πὶ πρῶτα ἦν ἐν τῷ παλατίῳ πρωμίνων. Κεφαλάτης γὰρ ὠνόμ. the chiefeſt

[p] *Epiſt. 3. cap. 15.*
* *Unic. tit. de Comit. & trib. Scholarum.*
[q] *In vita Ignatii Patriarchæ Conſtantinopolitani, ſub initium. Sed ut* Curopalatæ *dignitatem plenius intelligas videſis* Alemannum *ad* Procopii *Arcanam hiſtoriam pag.* 28. Gretſer. *ad Codinum pag.* 185. 209. & 305. *Codin. περὶ ὀφφικ. cap.* 5. §. 26. Caſſiodor. *lib.* 7. *Var. form.* 5. Meurſ. *in Gloſſ. Græcobar. ver.* Κεφαλάτης, Salmaſ. *ad* Trebell. Poll *pag.* 336. *ad* Spartian. *pag.* 137. Dempſter. *ad* Coripp. *lib.* 1. *Juris Græco-Rom. tom.* 1. *lib.* 2. *pag.* 184. &c.

chiefeſt Honour among thoſe of the Houſhold. For he was Curopalates. But it is as certain, that neither of them that had the name of *Curopalates* had any Juriſdiction or Power beyond the Houſhold. And thoſe Verſes in *Corippus*, of *Juſtine* the deſigned Succeſſour to *Juſtinian*,

Par extans Curis, ſolo Diademate diſpar.
Ordine pro rerum vocitatus Cura Palatii.

cited by [r] ſome as if they would thence prove the greatneſs of the Place to be no leſs than ſuch a Lieutenancy as the *Præfectus Prætorio*, or (in the *French* Empire) the *Comes Palatii* had, are miſtaken. For that of *Par extans Curis, &c.* hath no relation in *Corippus* to *Cura Palatii*, to any ſuch purpoſe. But to the next Verſe *Diſpoſitu nam* Cæſar *eras, &c.* as the whole context of *Corippus* is before tranſcribed. As if he had ſaid that while he was the *Cura Palatii* or *Curopalates* or Captain of the Guard, or general Surveyor of the Works of the Palace, he governed all as Lieutenant to the Emperour, and was *ei par Curis*, but that (he ſaies) was as he was *Cæſar* or deſigned Succeſſour, being both at the ſame time *Cæſar* and *Curopalates*. And for the name of *Comes Palatii* in the *Roman* Empire; it is true that in ſome Editions of the Code, there is a title *De officio* [t] *Comitis Sacri Palatii*, and in all, another *De Comitibus & Archiatris Sacri Palatii*. But neither of theſe can give any proof that the Name or Nature of this firſt kind of *Count Palatin* hath any other Original than from that moſt different uſe of the name of *Comes Palatii* in the *French* State. For that firſt title *De officio Comitis Sacri Imperii*; although it be in the later Editions, yet the elder have it not. But in them the two Laws that are under it are continued with the reſt that precede under the title *De officio Comitis rerum privatarum*, as the matter of them indeed perſwades alſo that they might well be. And ſome great Lawyers alſo (eſpecially *Cujacius*) not without great and, I think, juſt reaſon, make the title there *De officio Comitis Sacri patrimonii* and not *Palatii*. But however; there is nothing at all in the Laws under that title, that can by any conſtruction concern any ſuch Power or Juriſdiction as was in the *Comes Palatii* of the *French* Empire. Nor doth the *Comes Palatii* there (if it ſhould be there) denote * any ſuch thing. And for that other title *De Comitibus & Archiatris Sacri Palatii*; it hath only reference to that Perſonal Dignity of Count which was beſtowed on them that lived in Court with the Emperour, or to the old *Comitiva vacans*, (whence the ſecond ſort of Counts Palatin are anon juſtly deduced) and not to any that had ſuch Eminence in Power or Juriſdiction above others as the *Comes Palatii* (whence we here derive the Count Palatins of our firſt kind) had in the *French* State both before and after the Empire came to the *French*, and not otherwiſe than as the *Præfectus Prætorio* had in the *Roman* Empire. Other frivolous deductions there are (eſpecially among the *German* Writers) of this title; but they are neither worth a confutation nor any further memory. They are obvious in *Munſter*, *Freher*, *Hubertus Thomas*, and ſuch more.

[r] Freher. *Orig. Palat. part. 1. fol. 3.*

[t] *Cod. lib. 1. tit. 34.* [t] *C. lib. 12. tit. 13. & videſis* Baſilic. *lib. 6. tit. 21.*

* *Vide* Weſenbech. *ad C. 1. tit. 34.*

XXXIV. This title or power (which made the title) of Count Palatin being annexed to Fiefs or Territories, firſt in the *French*, and then in the *German* Empires, made thoſe Feudal dignities of *Count Palatin*, and thoſe *Counties Palatine* or **Pfalſtzgraven** and **Pfalſtz-grafſchafften** in the Empire. The *French* that live about *Blayz* in *Xantogne*

Xantogne say that the famous *Rowland* (slain in the battel of *Roncivalles*) was a Count [u] Palatin of their Territory under *Charles* the Great. And in *Germany* the title hath been in those of **Habspurg**, ***Tubing**, **Witelenspach**, **Schiern**, **Ortenberg** and other more. *Otto Comes Palatinus de* **Witelenspach** (whom *Guntherus* calls *Comes Aulicus* sometimes, and sometimes *Palatinus*) is often remembred in *Conradus Philosophus* his *Chronicon Schirense*, and occurrs among the witnesses [x] to a Charter of *Eberhard* Bishop of *Babenberg* made in MCLIV. And the same by that title with *Frater ejus Fredericus de* **Schiern** and **Witelenspach** is mentioned in the subscriptions to that [y] Charter of Creation to the first Duke of *Austria*. Another *Otho Comes Palatinus* [z] *de* **Witelenspach**, slew the Emperor *Philip* in MCCVIII. For so was his title that slew him. And *Rigordus* an old Author of *France* remembers him by the name of *Comes Palatinus* without further addition, and interprets that, I know not why, by the word *Landanga*, as if it were the *Dutch* signification of it. *Quidam Comes Palatinus* (saith he; as the printed Copies are) *qui eorum lingua* Landanga *vocabatur*, *id est*, Comes Palatii, *Philippum Romanum Imperatorem interfecit*. Perhaps he wrote **Landtgrave** and mistook it for **Pfaltzgrave**; or perhaps **Pfaltzgrave**, and the corruption came from the transcribers. And indeed some [a] laid the crime to the **Landtgrave** of *Turingen*; which might give *Rigordus* the hint of calling this *Otto* a *Landtgrave*, being as it seems a stranger enough to the *German* titles. And *Arnolfus Rex* (saith *Andreas Ratisponensis* in his Chronicle of *Baviere*) *Castrum* **Scheyrn** *in terra Bavariæ construens, Comitatus Palatinos ibidem instituit*. So in the old Laws of the Duchy of *Saxony*; *Quælibet Provincia Teutonicæ terræ suum habebat* Palantzgravionatum; *Saxonia, Bavaria, Franconia, & Suevia, quæ antequam à Romanis superabantur, regna fuerunt*. And in some lists of the Princes of the Empire, there are four *Archipalatini* mentioned, or **die vier Ertz-Pfaltzgraven**, *Rheni, Saxoniæ, Franciæ*, [b] (it seems it should be *Franconiæ*) *Hungariæ*. In the stile also of the Emperors that had the XVII Provinces of the *Netherlands*, **Pfaltzgrave zu Heuigaw**, &c. and *Palatinus Hannoniæ, &c.* is obvious. So that although the *Count Palatins* of the *Rhine* or the **Pfaltzgraven bey Rhine** have long been so singularly eminent Princes by this title of *Count Palatin*, that commonly no other place is understood by the general name of the *Palatinats*, but only their Territories, yet also the Dominions of some other Princes of the Empire have had the same name attributed to them, that is, of some such Princes as have had the Power of *Counts Palatin* in their Territories, and that also although their title be not Counts but Dukes. Thence is it that *Saxony* (for the purpose) is a **Pfaltzgrafschaft** or *Palatinat*. For in that Territory, the Duke of *Saxony* hath the Sovereignty of a *Count Palatine*, but is not stiled so because of his title of Duke which is rarely joyn'd with *Palatinus*. Indeed in that Charter of the Duke of *Austria*, [c] *Archiduces Palatini* are mentioned, and as it seems, denote those great Dukes of the Empire, that had the rights of a *Count Palatine*; in which sense also perhaps we have ἡγέμονας Παλατίνους in *Chalcondylas* [d] or *Duces Palatinos*. But to this purpose, that of the Golden Bull of *Charles* IV. is observable, where, as the right belonging to the **Pfaltzgrave** or *Count Palatine* of the *Rhine* in the vacancy of the Empire, *ratione Principatus seu Comitatus Palatini*, that is, the exercise of all Jurisdiction (as in lieu of the Emperor) is recognized

The Empire.

u P. Merula *Cosmogr. lib. 3. part. 2. c. 34. & videsis* Hubert. Thom Leod. *de Origine Palat. pag. 5. subjunctum* Ereheri *Origin. Sed* Rolandus *erat (si fides* Eginharto *in vita* Caroli) *Britannici litoris Præfectus*; & Anselmus *tunc temporis Palatii Comes. Inde etiam alii* Rolandum *Britanniæ Comitem appellant. Vide* Baron. *Tom. 9. ann. 812.*

x *Chronic.* Reichersperg. *pag. 193.*

y *Supra* §. 28.

z Paul. Langius *Chronic.* Citzens. *sub anno* 1208.

a Rolewink *in Fascic. Temp. &c.*

* Specul. Saxon. *lib. 3. art. 53. & videsis ibidem art. 62.*

b Goldast. *in ord. præfix. tom. 1 Constit. pag. 45* & Comites Palatinos *habes in Legg. Longobard. lib. 3. tit. 41. Editis à* Goldasto *in Collect. legg. & consuetudinum Imperii.*

c *Supra* §. 28. *pag. 291. & vide* Freher. *Orig. Palat. part. 2. p. 6.* Dux Palatinus *item dictus est Dux Bavariæ in Epistola dedicatoria* Johannis de Beka *Historiæ suæ de Episcopis Ultrajectensibus præfixa.*

d *Hist. Turcic. lib. 2.*

The Empire.

cognized to him in the Territories of the *Rhine*, *Suevia* and *Franconia*, ſo are the very ſame to the Duke of *Saxony*, *in illis locis ubi Saxonica jura ſervantur*, as the words are. The particular Creations of any into this title as Feudal in the Empire, I have not ſeen. Nor do I think that the title was expreſly given to many that have it, if to any. Only thus; by reaſon of the ſupereminent Juriſdiction and Power (ſuch as is in the *Counts Palatine* of the *Rhine* and other the greateſt Princes of the Empire, above that which was in common *Graves* or ordinary Counts of Provinces) and ſuch as was the ſame in the Territory with that of the Officiary *Comes Palatii* in the Emperor's Court; this name, I conceive, was by ſome aſſumed, and ſo attributed to them (if they were Counts) or at leaſt the Territories only called Pfaltzgrafſchafften or *Palatinats*, if they were Dukes, as alſo it hath been in *France*, *England*, and elſwhere, as is hereafter ſhew'd. Thence is that of *Conradus Philoſophus* [c] an old Writer of *Germany*, ſpeaking of the firſt *Otho Count Palatine* of Wittelſpach. *Eckardus filium egregiæ ſtrennitatis* Othonem *qui & poſteà* Palatinus Comes *dictus eſt*, *habuit*; as if he had ſaid that the acceſſion of *Palatine* was afterward, for his greatneſs of power, attributed to him. But alſo divers other Counts that have by degrees gain'd to themſelves equal power in their Territories, to that of the old *Comes Palatii* at Court, have not uſed the name of *Count Palatine*, becauſe doubtleſs both ſuch an innovation would have been with much more envy than the glory of the title would have recompenced, and more properly alſo it ſhould belong to them that have ſuch power and juriſdiction from the firſt Creation of their Feudal dignities.

[c] *Chronic. Schirenſi.*

XXXV. But at this day, in the Empire, the title of *Count Palatine* with a *Palatinat* together remains moſt eminently in thoſe of the *Rhine*, or the

——Sacræ Comes inclytus Aulæ,
Cujus erat tumido tellus circumflua Rheno.

as *Guntherus* [f] deſcribes *Hermannus Count Palatine* of the *Rhine* under *Frederick Barbaroſſa*. The beginning of that title appears not. Nor before the *German* Empire doth any expreſs mention of it occurr, unleſs we could be perſwaded that the name of *Capellatium* or *Palas* in *Marcellinus* denoted it, as ſome would have [g] it, but without ground enough for their conjecture. But touching both the ſingularity of it and its particular Original, I rather inſert here the words of the learned *Marquhardus Freherus* a late Counſellor of that State, than any more of my own obſervation. After ſome antient teſtimony of the title of Count Palatin in the Empire as Feudal. *Denique* (ſaith [h] he) *cum tot genera Palatinorum fuerint familiis & ditionibus diſtincta* (*qui tamen omnes præter noſtros* (the *Counts Palatine* of the *Rhine*) *exoleverunt aut nominibus mutatis, aut etiam familiis intermortuis*) *noſtri* Palatini *inter cæteros eo eminuerunt, quod non ab una aliqua arce aut ditione, ſed ampliſſima voce ab ingenti illo tractu principis fluvii*, Palatini Rheni *vel ad* Rhenum (*ut* [i] Germanicè *verterunt*) *dicebantur*. And in the next Chapter touching the original; *Illud* [k] *negare non poſſum, quod verè eſt ab Irenico & Munſtero notatum*, Palatinatus Rheni *appellationem* (*nam de re ipſa, id eſt, familia pariter & ditione* Palatinorum,

[f] *Vita Fred. Ænobarb. l. 5.*

[g] *Videſis præter alios magis obvios*, Cluverium *German. Antiq. lib. 3. cap. 36.* Baſil. Harold. *de ſtationibus legionum in vet. Germ. cap. 12.* & Lindebroh. *ad* Marcellin. *lib. 18.*

[h] *Orig. Palat. lib. 1. cap 2.*

[i] Pfaltzgrave bey Rhein.

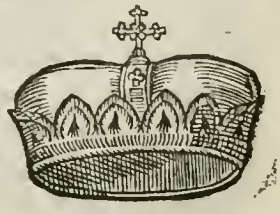
[k] Freher. *ibid. cap. 3. pag. 21.*

rum, *nihil conceſſero*) *non ita eſſe veterem, nec apud ullum ſcriptorem de temporibus Carolorum inveniri: ſed poſt Imperium demum ad Germanos tranſlatum & confirmatum* (*id eſt*, Ottonum *tempora & Electores poſteà inſtitutos*) Palatinos *ad* Rhenum *priùs ferè inauditos, inclaruiſſe; utpote tum munere Electorio auctos. Quod cum perpendo, in eam ſententiam venio, nulli quidem hactenus obſervatam ſed valde arridentem*; Palatinum Rheni *ad differentiam quidem cæterorum, ſed maximè* Palatini Saxoniæ *dictum fuiſſe. Cum enim Imperium Romanum in duo regna*, Lombardicum & Teutonicum *eſſet diviſum*; & *hoc rurſus duplici jure regeretur*, Francico & Saxonico, *quorum hoc tractum* Saxonicum *uſque ad mare* Balthicum, *illud tractum* Rheni *cum* Belgio, Sueviam, Franconiam Orientalem, Bavariam & Auſtriam *ad Alpes uſq*; Italicas (*omnia à veteribus* Francis *ſubacta*) *complectebatur, hinc factum eſt ut duo etiam principales* Palatini *haberentur* Saxonicus & Rhenenſis. *Ita enim placuit hunc à tractu* Rheni, *tanquam antiquiſſima, optima, & nobiliſſima* Germaniæ *parte, potius quam cæteris denominare. Unde etiam eſt, quod hi duo* Palatini, *velut proximi à Rege* Teutoniæ, *eo abſente, diviſis inter ſe ad modum prædictum limitibus, vice ſacra Imperium totum gubernant. Quod à majoribus ſine dubio ita receptum* Carolus *quartus Imperator confirmavit*: **Quoties ſacrum vacare continget Imperium, illuſtris* Comes Palatinus Rheni, *Sacri Imperii Archidapifer, ad manus futuri Regis* Romanorum *in partibus* Rheni & Sueviæ, & *in jure* Franconico, *ratione Principatus ſeu Comitatus Palatini privilegio, eſſe debet proviſor ipſius Imperii.* Et poſtea mox: *Et eodem jure proviſionis illuſtrem* Ducem Saxoniæ *Sacri Imperii Archimarſchallum frui volumus, in illis locis, ubi* Saxonica *jura ſervantur* (hæc enim paſſim *Sueviæ* & *Rheno* opponi, in illorum Speculo obſervamus) *ſub omnibus modis & conditionibus, ſicut ſuperius eſt expreſſum. Et hinc* (ſaith he) Palatinorum Rheni *origo nobis deducenda eſt.* And as Feudal *Counts Palatine* were above all other Counts, ſo the *Palatines* of the *Rhine* are ever above all other *Palatines*, as alſo appears by this one moſt ſupereminent juriſdiction belonging to them; that the Emperour himſelf might by the antient cuſtom of the Empire be brought to anſwer before them. I add the very words of that golden Bull of *Charles* the Fourth to that purpoſe. *Imperator ſive Rex* Romanorum, *ſuper cauſis pro quibus impetitus fuerit, habet* (*ſicut ex conſuetudine introductum dicitur*) *coram* Comite Palatino Rheni, *Sacri Imperii Archidapifero Electore Principe reſpondere. Illud tamen judicium* Comes ipſe Palatinus *non alibi præterquam in Imperiali Curia, ubi Imperator ſeu* Romanorum *Rex præſens extiterit poterit exercere.*

The Empire.

* *Verba Bullæ aureæ cap. 5.*

For the ſpecial ornaments of the *Counts Palatine* of the *Rhine*; I find not their Robes of State differ from that of other great Counts and Dukes of the Empire. But their Cap with a Crown on it, is of this form in *Freherus*. And the like almoſt is ſet over the Arms of the Dukes of *Baviere* ofttimes; as in the title page of *Marcus Velſerus* his *Res Boicæ* printed at *Auſpourg*. MDCII. And of Feudal Counts *Palatine*, thus much.



XXXVI. The other kinds of *Counts Palatin* (that have no relation to any Fief or Feud) are they whoſe honour and title conſiſt only in the perſonal dignity of being *Counts Palatin*, or *Sacri Palatii*

The Empire.

tii Comites generally. For although divers of them have also privileges of Power or Jurisdiction added to their dignities, yet those privileges are various according to the will of him that creates them, and are meerly accidental to their title. This personal title is born as acquired by two ways; the One is the publick profession or reading of the Imperial Laws by the space of XX years together, and also, as some take it, of the Canon Lawes. For *Hieronymus à Laurentiis*, [u] that published Decisions of the Rote of *Avignon* (where he was Dean) stiles himself *utriusq; Juris Comes*, by which he means, I think, this title of *Comes Palatinus*. The Other by Letters Patents or Bulls.

[u] *Lugduni* 1600.

That assuming it from the XX years profession of the Imperial Laws, is grounded upon a Constitution of *Theodosius* and *Valentinian* which equals the dignity of all Lawyers professing in *Constantinople* XX years, and that with publick approbation, to the *Comitiva primi Ordinis*, or the dignity of Counts of the first rank. *Cum ad viginti annos, observatione jugi* (so are [x] the words) *ac sedulo docendi labore pervenerint, placuit honorari & his quæ sunt ex Vicaria dignitate connumerari*; as it is in *Justinian*'s Code. But in that of *Theodosius*; the *Comitiva primi Ordinis* is expresly given them, which is but the same in sense, with those words taken out of *Justinian*. For the *Vicaria dignitas*, is the dignity of them that had been Lieutenants to the *Præfecti Prætorio* in their Provinces, and were of equal or [y] the same rank with the Counts that by eminent employment in the State had deserved the first rank or Order. And therefore the dignities of such Counts and of the *Vicarii*, being both as one, and the title of this of the professors in *Justinian*'s time expresly mentioning the *Comitiva*; Divers * professors of the Lawes have in the later ages interpreted it for the honour of their faculty and called themselves (after XX years profession) *Comites Sacri Palatii*, or *Comites Palatini*. For in those times of the *Roman* Empire all the Counts that were only honorary (as those of the first rank without other addition, were) might justly be called *Palatine* or *Sacri Palatii*, as, it seems, they are in that title [z] *de Comitibus & Archiatris Sacri Palatii*, where *Sacri Palatii* hath as much reference to *Comitibus* as to *Archiatris*, as it hath also in that title (to the same purpose) in the *Basilica*, [a] περὶ Κομήτων καὶ τριβύνων καὶ Ἰατρῶν τῶ Παλατίε, *De Comitibus, Tribunis, & Medicis Palatii: Comites Palatii* denoting there only honorary Counts that were *Palatini* or a part of the houshold. Neither can it be proved that the name of *Comes Palatii* in the *Roman* Empire, before it came to the *French*, denoted any other kind of dignity. For as touching that title *de officio Comitis Sacri Palatii* in some Editions of the [b] Code, there is neither antiquity enough to make us believe it should be there, nor do the Laws, that follow it, concern any such person or Office. And some of the most curious and judicious in the text of the body of that Law and in the exacter parts of learning belonging to that profession, have expunged it, as is before * noted. But why the Constitution being restrained to *Constantinople* (in *Justinian*) should be extended to other Cities, and why, if Lawyers gain such a dignity by so long profession, Grammarians and Rhetoricians should not (in regard they are also equally named in it) I leave to better judgment. And some great Lawyers also think that, however the name be assumed by some professors, yet there is not ground enough [c] in that Constitution or otherwise

[x] *C. de professoribus qui in urbe, & c. L. unica. & C Th. lib. 6. tit. 21.*

[y] *C. de Comitibus & Archiatris sacri Palatii.*

* Bartol *ad ff. tit. de militari test. l. 43. n. 4. & vide Dd. ad C. tit. de professoribus in urbe* & Petr Lenauder. *de Doctorum privilegiis part. 2. §. 39.* alios item qui obvii sunt.

[z] *C. lib. 12. tit. 13.*

[a] *Eclog. lib. 6. tit. 21.*

[b] *C. lib. 1. tit. 34.*

* §. 33.

[c] Menoch. *de arbitr. Jud. quæst. lib. 2. cap. 68.*

otherwiſe to warrant it; there being alſo of the greateſt Lawyers, that in their Titles and Elogies, although they profeſt above XX years, have not this of *Count Palatine* given them, as we ſee in * *Angelus de Caſtro, Decius, Jaſon* and others. And it is (ſaith *Paurmeiſter* [d]) at this day beneath all other titles of Count that are without the addition of *Palatine*. *Menochius* [e] and ſome others remember a Charter of *Frederick* III. to the Univerſity of *Padua*, by which he that profeſſes XVI years there ſhould have this dignity. But how it came to paſs that the name of *Count Palatine* being ſo great, as it was both officiary and Feudal (as is before ſhewed) in the *German* and *French* Empires, ſhould be thus aſſumed by men of ſo much leſs condition deriving it more antiently and out of the *Roman* Empire, and how in the later Empire it came to be firſt uſed, ſhall be preſently ſhewed, as ſoon as we have diſpatched the dignity of thoſe other *Counts Palatine* who have the title given them, as meerly perſonal by Patents or Bulls. For the reaſon to be uſed in ſhewing it, equally concerns them that are thus created, as well as thoſe that ſo by colour of that Conſtitution aſſume the title.

The Empire.

* Fichard. *in vitis Juriſconſultorum.*

d *De Juriſdict. lib. 2. cap. 10. §. 19. Ita* Boetius *de autor. Mag. Concil. c. 109.*

e *De Arbitr. Judic. quæſt. lib. 2. Caſ. 68. & vide plura de hujuſmodi Comitibus, apud.* Matth. Steph. *de Juriſdict. lib. 2. part. 1. cap. 6. memb. 1. §. 4, 5. & 6. & lib. 3. part. 2. cap. 4. §. 43. & diſputationem de hac re ab* Arumæo *inſtitutam habes in Tom. 2. de Jure Publico diſcurſ. 4.*

XXXVII. The title of thoſe which are created by Letters Patents under the Emperors or Popes Seal, we ſubdivide into two kinds; the One is ſingular, and we find it in one Family only, as both honorary and officiary; the Other is given to many, and is only honorary. That which we call ſingular and officiary as well as honorary here, is that ſpecial title of *Comes Palatii Lateranenſis* charged with the attendance and ſervice to be performed in the ſame Palace at the Emperors Coronation at *Rome*. It was thus given by the Emperor *Lewes* of *Baviere* [f] to *Caſtrucio de Antelminellis* Duke of *Luca*, and to his heirs males in MCCCXXVIII. about a month after that he was created Duke.

f Goldaſt. *Conſtit. tom. 1. pag.* 329. & Ald. Manut. *in vit.* Ludovic. 4.

De officio comitis Palatii Lateranenſis Romani.

LUdovicus *Dei gratia* Romanorum *Imperator ſemper* Auguſtus, *illuſtri* Caſtrucio Duci Lucano, Sacri Lateranenſis Palatii Comiti & Romani *Imperii Vexillifero, ſuo & Imperii fideli dilecto, gratiam ſuam & omne bonum.*

Dignum eſt & Majeſtati Imperiali proprium, ut, ſicut quotidie fidelium augetur ſubſtantia, & devotio, ita eis Imperiale culmen augeat dignitatis privilegia & honores. Sanè experientia docente novit Imperialis Majeſtas maximam fidem, devotionem & conſtantiam tuam, & ante, & poſt à nobis collatos honores, ultra cæteros fideles Imperii de bono in melius quotidiè profeciſſe. Ut igitur præmiſſorum contemplatione ad ampliores dignitatum apices per Imperiale culmen tua devotio attollatur, de conſilio & aſſenſu procerum noſtræ Imperialis Aulæ, tibi & ſucceſſoribus tuis ex te natis et naſcituris, per lineam maſculinam in perpetuum, Comitatum Sacri Lateranenſis Palatii (*quem ad*

The Empire.

fiſcum noſtrum, et Sacrum Romanum Imperium *juſtis et legitimis cauſis devolutum et applicatum pronunciamus et declaramus, et ad omnem dubietatem tollendam devolvimus et applicamus) damus, concedimus et donamus et ex certa ſcientia et plenitudine poteſtatis, et te et prædictos ſucceſſores tuos in perpetuum eligimus, conſtituimus, præficimus, et creamus* Comitem *et* Comites ipſius Sacri Palatii Lateranenſis, *voſque de* Comitatu *prædicto inveſtimus et infeudamus tanquam veros Imperii fideles et Vaſallos : dantes et concedentes et tribuentes tibi et eis, omnes et ſingulos honores et omnia et ſingula privilegia et emolumenta quos et quæ* Comites *prædicti* Sacri Palatii *habent et habuerunt quoquo tempore, de conſuetudine vel de jure. Declarantes et nunc per hoc noſtræ ſerenitatis indultum tibi et prædictis ſucceſſoribus tuis ex prædicta* Comitatus *dignitate competere jus aſſiſtendi perpetuò Benedictioni, ſacræ Unctioni, et Coronationi ſucceſſorum noſtrorum Principum* Romanorum *et omnibus et ſingulis Coronationis iſtius ſolennitatibus : et præcipue ſociandi et deducendi ipſos* Romanos *Principes, tempore Coronationis fiendæ de eis, ad ſacram unctionem de ipſis faciendam, et eoſdem* Romanos *Imperatores ſucceſſores noſtros tenendi et juvandi in ipſa ſacra unctione et actu ipſius et eadem unctione perfecta, eos reducendi et ſociandi ad Altare, et thalamum, prout et quoties principes expediunt redire, ita jus levandi et tenendi Imperiale Diadema, de noſtro et ſucceſſorum noſtrorum* Romanorum *Principum capite, tempore quo Imperialis Coronationis ſolennia celebrantur, & etiam quocunq; alio tempore, quoties publice ipſum Diadema expedierit elevare de capite noſtro & Succeſſorum noſtrorum* Romanorum *reponi. Quæ omnia & ſingula ſupraſcripta valere & tenere volumus, & jubemus ex certa ſcientia, de plenitudine poteſtatis, jure aliquo non obſtante. Nulli ergo omnino hominum liceat hanc noſtram paginam in aliquo violare, vel ei auſu temerario contraire. Si quis vero hoc attentare præſumpſerit, gravem indignationem noſtram ſe noverit incurriſſe. In cujus rei teſtimonium præſentes conſcribi, & ſigilli Majeſtatis noſtræ robore, cum annotatione teſtium ſubſcriptorum juſſimus communiri.*

Rudolphi *Ducis* Bavariæ, *Principis & patrui noſtri chariſſimi.*

Henrici *Ducis* Brunſvicenſis.

Ludovici *Ducis de* Teck.

Hermanni *de* Lintheiberg *Mareſchalli noſtri.*

Meinhardi

Meinhardi *Comitis de* **Hortenburg.**

Othonis *Comitis de* **Cotlamende.**

Joannis *Comitis de* Claramonte.

Conradi *Comitis de* **Truchendingen.**

Conradi *de* **Zolfelberg.**

The Empire.

Nec non nobilium virorum Jacobi de Columna, Sciaræ, & Jacobi *de Sabellis Senatorum Urbis.*

Datum Romæ XIV *die menſis* Martii, *Indictione* II. *Anno Domini* MCCCXXVIII. *Regni noſtri anno* XIV. *Imperii vero primo.*

XXXVIII. For thoſe other created into this perſonal title of *Count Palatin*; the Nature and Circumſtance of their dignity will beſt appear out of the *Power* that makes them, the *Stile* that is given them, the *Eſtates* limited to them, the chiefeſt *Privileges* that are uſually but very variouſly inſerted into their Patents, and the *exerciſe of thoſe Privileges* with ſomething of the eſtimation had of them.

The Power that makes them is originally in the Emperor; but is exerciſed alſo by the [f] Pope, although ſome Lawyers of the Empire [g] that are not Pontificious, quarrel at him for it, and leave it doubtful alſo whether the Empreſs, the King of the *Romans*, other Kings, or the Princes Electors, may of themſelves conferr this dignity. Of that I diſpute not. But for the Pope's exerciſing the Creation of this title; beſides the arbitrary power uſed by him in creating ſingular perſons into it by ſeveral Bulls, and that power alſo acknowledged [h] in the Councel of *Trent*; that of the Referendaries who are as preſidents of his two Signatures of Grace and Juſtice, is here moſt obſervable. Thoſe Referendaries were [i] inſtituted by *Alexander* VI. and by a Bull of *Paul* III. were every of them together thus created *Counts Palatine.*

f *Templ. Judicæ lib.* 1. *cap* 1. §. 4 *de Comitibus Palat. n.* 3. &c.

g Th. Sagittar. *de Jure & Privileg. Comit. Palat. ad Theſ.* 6.

h *Seſſ.* 24. *cap.* 2.

i *Videſis* Lælium Zecchium *de Repub. Eccleſiaſtica cap.* 10.

PAulus *Epiſcopus Servus* * *Servorum Dei ad futuram rei memoriam. Debita conſideratione penſantes quantum venerabiles fratres Epiſcopi, ac dilecti filii in minoribus conſtituti, utriuſq; Signaturæ, ſupplicationum videlicet & commiſſionum per nos, ſeu in præſentia noſtra ſignandarum, infraſcripti Referendarii noſtri, qui præ cæteris officialibus, & miniſtris noſtris propinquiùs nobis aſſiſtunt, circa ipſas ſupplicationes & commiſſiones pro noſtro, & Apoſtolicæ Sedis honore, ac univerſalis Eccleſiæ utilitate, & alias gratis, prompta voluntate, indefeſſè laborant; dignum, quin potius debitum reputamus, ut illos ſpecialis benevolentiæ favoribus amplectamur, ac præclaris dignitatum titulis decoremus, & aliàs nos eis (prout convenit) gratioſos exhibeamus.*

* Laert. Cherubin. *in Bullar. tom.* 1. *pag.* 647. *in* Paul. 3. *Conſtit.* 23. 30. *Julii* 1540

Hinc eſt quod nos fel. rec. Leonis X. & Clementis VII. Romanorum *Pontificum Prædeceſſorum noſtrorum veſtigiis*

The Empire.

inhærentes, eosdem infrascriptos Referendarios nostros, qui Prælati, ac etiam familiares continui commensales nostri existunt, condigni favoris gratia, & excellentiæ dignitate sublimare, ac opportunis favoribus munire volentes, ipsósq; Referendarios ac eorum singulos à quibusvis excommunicationis, suspensionis, & interdicti, aliisq; Ecclesiasticis sententiis, censuris, & pœnis, à jure vel ab homine, quavis occasione vel causa latis, si quibus vel quomodolibet innodati existunt, ad effectum præsentium duntaxat consequendum harum serie absolventes & absolutos fore censentes, Motu proprio, non ad ipsorum Referendariorum, vel aliorum pro eis nobis super hoc oblatæ petitionis instantiam, sed de nostra mera deliberatione, & ex certa scienta, auctoritate Apostolica, tenore præsentium, præfatos Referendarios, & eorum singulos, qui Præsules non sunt, ac alios infra scriptos, & eorum singulos in nostros, & dictæ sedis Notarios gratiose recipimus, eósque & alios qui Præsules existunt, ac eorum singulos in Sacri Palatii, & Aulæ Lateranensis Comites, *nec non qui nobiles non sunt, nobiles facimus, constituimus, ordinamus & deputamus, ac nobilitamus, necnon nobilitatis titulo, & favore decoramus, ac aliorum nostrorum, & Sedis prædictæ notariorum, necnon* Palatii & Aulæ *hujusmodi* Comitum, *ac ex Magno Baronum, & nobilium genere procreatorum numero, & consortio favorabiliter aggregamus, eósq; deinceps nobiles esse, & pro nobilibus reputari, nominari, teneri, censeri & judicari, Ac de cætero in quibusvis concessionibus, & literis, tam Gratiam quam Justitiam concernentibus, à nobis, seu sede prædicta impetratis, seu impetrandis, vel eis à nobis, aut aliis quibuscunq; concessis et concedendis, ac instrumentis, seu aliis scriptis etiam authenticis, et privatis, nobiles nominari, et pro talibus haberi posse et debere volumus, Eisq; quod omnibus et singulis Privilegiis, præeminentiis, indultis, immunitatibus, libertatibus, exemptionibus, facultatibus, honoribus, antelationibus, prærogativis, etiam in assecutione quorumcunq; beneficiorum Ecclesiasticorum etiam vigore Gratiarum expectativarum, et illarum mutationum, extensionum, et revalidationum, collationum et quarumcunque aliarum gratiarum, et indultorum, quibus cæteri nostri, et dictæ Sedis Notarii de numero participantium existentes, et absq; illorum præjudicio, ac* Palatii *Aulæ prædictorum* Comites, *necnon veri et indubitati nobiles, et ex nobilium genere ex utroq; parente procreati, tam de jure, quam consuetudine, seu alias quomodocunq; utuntur, potiuntur, et gaudent, ac uti, potiri, et gaudere*

dere poterunt quomodolibet in futurum, in judicio, & extra, ac ubicunque locorum uti, potiri, & gaudere debeant in omnibus & per omnia, perinde ac si Referendarii, & alii infra scripti, de dicto magno Baronum, & Nobilium genere ex utroque parente, vere et non ficte procreati, et geniti forent, concedimus. Ac eorum singulis, sublatis quibusvis obstaculis et impedimentis, veros Nobiles esse, et de Nobili ex dicto genere ex utroque parente procreatos, censeri debere, decernimus, & declaramus. Et in signum honoris, et nobilitatis hujusmodi, eis et eorum cuilibet, pro insigniis et armis, quibus ipsi, et ab eis descendentes et ascendentes uti possunt in decorem, partem insigniorum nostrorum, si eis uti voluerint, etiam cum vel absque armis suis, si illa habuerint, vel illis usi fuerint, aut sine ipsis, prout duxerint ordinandum, seu eligendum, assignamus et perpetuo decoramus. The Empire.

The Bull hath other Privileges also usually given to *Counts Palatin*, whereof more * anon. And *Clement* VIII. and *Paul* V. in their Bulls of privilege [z] to their Conclavists, as they call them (or those which were in the Conclave when they were chosen Popes) make them all *Sacri Palatii & Aulæ Lateranensis Comites*. And to the exercise of this Power, belongs also that Bull of Pope *Julius* III. by which [a] he created *Fabius*, *Christopher*, *Christopher* and *John*, Patriarchs of *Constantinople*, *Alexandria*, *Hierusalem*, and *Aquilegia*, together with *Andrew* Archbishop of *Spalato*, and divers other Archbishops and Bishops (being as his Houshold Chaplains, or, as he calls them, *Prælati domestici nostri & in Capella nostra assistentes*) into such a degree of Gentry as that they should enjoy all privileges that were due to any other Gentlemen whatsoever, although they were *ex Comitum genere*, as the words are; and that every one of them might create Notaries in like sort as *Counts Palatin* might do, or *ad instar Sacri Palatii & Aulæ Lateranensis Comites*, as the Bull saies.

* § 40.

z Laert Cherubin. *Bullar. Tom. 3. constit. Clem. 8, 16. pag. 20. & Paul. 5. Constit. 3. pag. 177.*

a *Idem* Bullar. *Tom. 1. pag. 704. Julii 3. 12. April. 6. 1551.*

The Stile wherein the dignity of these personal *Counts Palatin* is expressed, is indifferently, *Comes Aulæ Cæsareæ*, *Comes Curiæ Cæsareæ*, *Comes Palatii Sacri*, *Comes Palatinus*, or *Comes Consistorii Imperalis*, or *Comes Sacri Lateranensis Palatii*; when it is created by the Emperours. But if by the Pope, *Comes Sacri Lateranensis Palatii* most usually. And although the Emperours long since left their residence in the *Lateran*, yet the name of that Palace is of such eminence still in the Empire, that commonly in the Creations of these *Counts Palatin* they retain a reference to it as much as the Pope doth. But although they be called *Comites Palatini* in Latine, yet the Dutch that expres them in the Language of the *German* Empire, so distinguish them that are created by the Emperours, that they call them not (as I think) **Pfaltzgraven**, which is for the most part proper to the Feudal *Counts Palatin*, but **Des heiligen Romischen Reichs Hoffegraven**, [b] or *Counts of the House of the Holy Roman Empire*, as if by using the word House or **Hoffe**, they would purposely decline the name of **Pfaltz** for some distinctions sake in the mention of them.

b Sehonburn. *Politic. lib. 5. cap. 15. & nom. Sagitta. ad Thes. 2. lit. d.*

XXXIX. For

The Empire.

XXXIX. For the Eſtates limited in the grant of this title; they are (beſides thoſe for life) ſometimes to the iſſues of the Patentees, and ſometimes alſo to the Succeſſours. *John de Amatis* was made a *Count Palatin* by the Emperour *Charles* IV. and the title extended to all [c] *Ex eo legitimè deſcendentes.* So the Counts of *Thurn* and *Valleſaſſin* write themſelves *Cæſarei Comites Palatini hæreditarii.* And *John de Dominis* (an Anceſtour of the late Archbiſhop of *Spalato*) being Biſhop of *Waradin*, was for his ſervice to the Emperour *Sigiſmund*, eſpecially in the Councel of *Baſill*, created by him [d] into this dignity, with a limitation, to his Brothers and the Heirs of their bodies begotten. *Te &c. fratres tuos & hæredes eorum* (as the words [e] are) *& deſcendentes in perpetuum legitimo tantum &c. noſtros & Imperii Sacri Lateranenſis Palatii Comites facimus, creamus, erigimus, &c.* Other ſuch Examples are of Creation of theſe kind of *Counts*, although it be not very frequent that the Dignity extends beyond the Perſon firſt created.

c Sagittar. *ad Theſ.* 13. *lit b. videſis* Matth. Stephani *de Juriſdict. lib.* 2 *part.* 1. *cap.* 6. *membr.* 1. *§.* 26. *&c.*

d 26. *Auguſti* 1427.

e *Apud* Danielem Lonet. *in Sortes primo eras Chartarum, &c pag.* 190.

And as thus to Heirs, ſo alſo to Succeſſours it is ſometimes given; as in that of *Maximilian* the Second his Creation of *Henry Julius* the firſt Rector of the Univerſity of *Helmeſtadt*, and his Succeſſours, into the title of *Counts Palatine. Sed & jam dictum* Henricum Julium *per nos deſignatum* (as the [f] words of Creation are recited in *Thomas Sagittarius*) *primum Rectorem, ejúſque in illo officio & dignitate poſterum ſeligendos, ex ſpeciali gratia & favore*, Sacri Lateranenſis Palatii Aulæque noſtræ & Imperialis Conſiſtorii Comites *facimus, creamus, erigimus, ac* Comitatus Palatini *dignitate elementer inſignimus, aliorúmque* Comitum Palatinorum *numero, cætui & conſortio aſcribimus, adjungimus, & aggregamus, decernentes & ſtatuentes quod univerſo illo tempore quo dictæ dignitati Rectoratus præfuerint, omnibus & ſingulis, privilegiis, gratiis, juribus & immunitatibus, honoribus, exemptionibus & libertatibus uti, frui, potiri & gaudere poſſint & valeant quibus cæteri* Lateranenſis Palatii Comites *hactenus uſi, potiti & gaviſi ſive quomodolibet utuntur, fruuntur, potiuntur & gaudent conſuetudine vel de jure, &c.*

f Pragæ 9. *Maii* 1575. Sagittar. *ad Theſ.* 13.

XL. The chiefeſt Power and Privileges inſerted in their Patents are various, and for the moſt part ſuch, as are a kind of voluntary juriſdiction; and ſometimes they have alſo ſomething of the contentious or compulſory. For the purpoſe; the Power of making the Baſtards (of all that are beneath Barons) legitimate is frequently given them, as it occurrs in the Charter of the Emperour *Rodulph* II. to *Nicholaus Renſnerus*, by which he created him into this Dignity, and granted that he might *Natos illegitimè* [g] *legitimare, & eos ac eorum quemlibet ad omnia & ſingula jura legitima reſtituere, omnémq; genituræ maculam penitùs abolere, ipſos reſtituendo & habilitando ad omnia & ſingula jura ſucceſſionum, hæreditatum, bonorum paternorum & maternorum etiam, ab inteſtato, cognatorum & agnatorum, ac ad honores dignitates & ſingulos actus legitimos tam ex contractu vel ultima voluntate quam alio quocunq; modo tam in judicio quam extra, perinde ac ſi eſſent legitimo matrimonio procreati, objectione prolis illegitimæ penitus quieſcente &c. dummodo tamen legitimationes ejuſmodi non præjudicent filiis & hæredibus legitimis, &c.* —— *Illuſtrium tamen Principum, Comitum & Baronum filiis duntaxat exceptis.* So in that of *Sigiſmund*'s Patent of Creation to *John de Dominis* Biſhop of *Waradin* and his Brothers; *Dantes & concedentes vobis & hæredibus veſtris ſupradictis, quod poſſitis ubiq; locorum & terrarum, unuſquiſq;*

g *Apud* Th. Sagittar. *ad Theſ.* 22.

quisq; vestrum & ex vobis quilibet (illustrium virorum Principum Comitum & Baronum filiis duntaxat exceptis) legitimare & in patriam potestatem reducere quoscunq; naturales, incestuosos, manzeres nothos &c. The Power also of making Doctours as well in Divinity as in Law, Physick, and Philosophy, is sometimes added in their Patents, as in that to *Renserus*; but with this condition, *adhibitis in cujuslibet Doctoris Creatione Doctoribus eximiis de professione creandi ad minus tribus, qui Doctorandum examini subjiciant.* So the right of conferring other Degrees in Learning, and especially also the making of Poets Laureat is often among the privileges of these *Counts Palatin.* We adde here the Patent of *Rodulph* II. by which he created *Georgius Obrechtus* and his Son *Thomas* (both Professours of the Law at *Strasbourg*) into this title, and annext to their Dignity, the arbitrary Power of conferring the Degrees of Doctour, Licentiat, and Bachilor in both Laws, Master and Bachilor of the Arts, and of Poet Laureat. *The Empire.*

RUdolphus *secundus divina favente clementia electus* Romanorum *Imperator*, *semper* Augustus *ac* Germaniæ, Hungariæ, Bohemiæ, Dalmatiæ, Croatiæ, Sclavoniæ, *&c. Rex*, *Archidux* Austriæ, *Dux* Burgundiæ, Brabantiæ, Stiriæ, Carinthiæ, Carniolæ, *&c. Marchio* Moraviæ, *&c. Dux* Lucemburgiæ, *ac superioris & inferioris* Silesiæ, Wittembergiæ, & Teckæ: *Princeps* Sueviæ, *Comes* Habspurgi, Tyrolis, Ferretis, Kyburgi, & Gloritiæ: *Landgravius* Alsatiæ, *Marchio* Sacri Romani Imperii, Burgoviæ *ac superioris & inferioris* Lusatiæ *Dominus*, *Marchiæ* Sclavonicæ, *Portus* Naonis & Salinarum *&c. Honorabili, Docto nostro* & Sacri Imperii *fideli dilecto*, Georgio Obrechto, *Juris utriusque Doctori*, *& in Academia* Argentoratensi *Professori primario*, Sacri Lateranensis Palatii, Aulæque nostræ Cæsareæ & Imperialis Consistorii Comiti, *gratiam nostram* Cæsaream *& omne bonum. Pervetusta atque laudatissima Divis prædecessoribus nostris*, Romanis *Imperatoribus, ac Regibus consuetudo fuit: ut cum honorum & dignitatum incrementa, ab Imperatoriæ Majestatis splendore, tanquam lumen à Sole dimanent, singularem adhiberent curam, ut in iis decernendis, liberaliores se erga eos præberent, qui non tantum ab honesta generis origine, sed etiam à præclaris actionibus, & virtutum studiis, sibi commendarentur: Idque non solum, ut dignum illi se præmium consecutos, sibi gratulari possent, sed ut alii etiam illorum exemplo accensi, atque inflammati, ad laudabilia virtutum certamina, ferventiore studio incitarentur. Quam consuetudinem laudatissimam, & Nos, postquam ad excelsum hoc Imperatoriæ sublimitatis fastigium evecti sumus servare cupientes: Nihil sanè libentius facimus, quam ut præstantium virorum, quorum virtus clara habeatur, & merita in*

Rem-

The Empire.

Rempublicam singularia extent, ornamenta, quantum occasio & rerum ipsarum status fert, augeamus. Edocti itaque fide digno testimonio, Georgi, *honestis ac vitæ morúmque integritate conspicuis te parentibus ac majoribus ortum qui laudabilibus actionibus nomen sibi decúsque pepererint, eorúmque vestigiis te naviter insistendo, id à primis temporibus ætatis tuæ quam maximè curæ habuisse, ut domesticum illud decus non modo continuares, verum etiam quoad ejus fieri posset, augeres magísque illustratum ad posteros tuos transmitteres. Quod quidem usque adeò consecutus fueris, ut post septem artium liberalium curriculum absolutum, in utroque jure, ad quod animum applicuisti, quodque naviter legendo & disputando excoluisti, tantum profeceris, quod gradatim magna cum laude & applausu publico, laurea Doctorali insigniri merueris, indeque singulari cum auditorum fructu à pluribus jam annis in Universitate* Argentoratense *publice jura docueris, & etiamnum ejusdem Academiæ professorem primarium, & strenuum in forensibus causis Advocatum agas: tum vel maxime libris diversis in publicum datis, insignes Ingenii tui dotes, & exactam, qua polles, eruditionem, toti quasi orbi testatam reddideris, prætermittere sane noluimus, quin pro singulari benignæ voluntatis nostræ inclinatione, te insigni aliquo munificentiæ nostræ ornamento, quod virtutibus et meritis responderet, condecorandum susciperemus.*

Motu itaque proprio, ex certa nostra scientia, animo benè deliberato, ac sano accedente consilio, deque Cæsareæ *potestatis plenitudine te prædictum* Georgium Obrechtum, *simul et filium tuum unicum* Johannem Thomam Obrechtum, *post obitum tuum*, Sacri Lateranensis Palatii, Aulæque nostræ Cæsareæ & Imperialis Consistorii Comites *fecimus, creavimus, &* Comitatus Palatini *titulo clementer insignivimus, prout vigore præsentium facimus, creamus, et insignimus, aliorúmque* Comitum Palatinorum *numero, ordini, & consortio gratioſè cooptamus, adscribimus, & aggregamus. Decernentes & Imperiali edicto nostro firmiter statuentes, quod prædicto modo omnibus ac singulis Privilegiis, Prærogativis, Immunitatibus, Honoribus, Exemptionibus, & Libertatibus, uti, frui, potiri, & gaudere possitis ac valeatis, quibus cæteri* Sacri Lateranensis Palatii Comites *hactenus usi & potiti sunt, seu quomodolibet utuntur, fruuntur, potiuntur, & gaudent, consuetudine vel de jure.*

Præterea tibi prænominato Georgio Obrechto, *& post obitum tuum filio tuo* Johanni Thomæ Obrechto, *scientia, motu,*

&

& authoritate, quibus supra clementer indulgemus, ut possitis, & valeatis Doctores, Licentiatos, *&* Baccalaureos in utroque jure : Magistros *item &* Baccalaureos liberalium artium, *ac* Philosophiæ, *nec non* Poetas Laureatos *creare ; promovere, ordinare, constituere, ac facere : Adhibitis tamen in cujuslibet* Doctoris, Licentiati, Magistri, Baccalaurei *creatione,* Doctoribus *eximiis de professione creandi ad minus tribus, qui creandum examini subjiciant, ac ei quem sic idoneum invenerint, sufficientémque comprobaverint, vestram autoritatem interponendo,* Doctoratus, Licentiæ, Magisterii, *aut* Baccalaureatus, *&* Laureæ Poeticæ *insignia (ut moris est) conferre : Qui quidem* Doctoratus, Licentiæ, Magisterii, Baccalaureatus *vel* Laureæ Poeticæ *titulo per vos donari possint & valeant in omnibus Civitatibus, Terris, & Locis* Sacri Romani Imperii, *& ubilibet terrarum, omnes actus* Doctorales *&* Magisteriales, *legendi, docendi, interpretandi, Cathedram ascendendi, & glossandi, disputandi, consulendi, advocandi, ac cæteros actus* Doctorales, Licentiæ *vel* Baccalaureatus *in jure nec non* Magisterii *ac* Baccalaureatus *in Philosophia facere atque exercere, ac omnibus & singulis Privilegiis, Prærogativis, Exemptionibus, Honoribus, Præeminentiis, Favoribus, Indultis, Gratiis, ac quibuscunque aliis quibus cæteri* Doctores, Licentiati, Magistri, Baccalaurei, *&* Poetæ Laureati, *qui vel in Gymnasio* Viennensi, Parisiensi, Bononiensi, Patavino, Perusino, Colonensi, Pisano, Ingolstadiensi, *& quolibet alio publico, & privilegiato Gymnasio promoti, vel etiam à Nobis, ac divis prædecessoribus nostris* Romanorum *Imperatoribus ac Regibus insigniti, seu aliter quocunque modo talia Insignia acceperunt, utuntur, fruuntur, potiuntur, & gaudent, quomodolibet consuetudine vel de jure, omni dolo, fraude, contradictione quorumcunque ac siniſtra machinatione sublata, penitus et remota. Mandantes idcircò et firmissimè præcipientes universis ac singulis Electoribus tam Ecclesiasticis quam Sæcularibus, aliisque Principibus, Archiepiscopis, Episcopis, Ducibus, Marchionibus, Comitibus, Baronibus, Militibus, Nobilibus, Clientibus, Capitaneis, Vicedominis, Advocatis, Præfectis, Procuratoribus Heroaldis, Officialibus, Quæstoribus, Civium Magistris, Judicibus, Consulibus, Civibus, Communitatibus, et denique omnibus nostris, et* Sacri Romani Imperii, *ac Regnorum et Dominiorum nostrorum hæreditariorum subditis, et fidelibus dilectis cujuscunque status, gradus, ordinis, et conditionis extiterint, ut vos sæpe fatos* Obrechtos, *legitimósque vestros liberos, hæredes, posteros et descendentes*

The Emperor.

The Empire.

utriusque sexus, una cum Uxoribus, Servitoribus, Domesticis, Subditis, & Conjunctis, Masculis & Fœminis ab hac hora in futurum, perpetuis temporibus, omnibus, ac singulis supra scriptis Privilegiis, Gratiis, Libertatibus, Immunitatibus, Exemptionibus, Indultis, Concessionibus, Juribus, protectione, et salva guardia aliisq; Approbationis, Ratificationis, Confirmationis, Innovationis, Extensionis, Augmentationis, Creationis, Assumptionis, Aggregationis, Concessionis, Indulti, Suppletionis, Derogationis, Statuti, Decreti, Voluntatis, & Gratiæ, præsertim vero Nobilitatis, et Insignium Prærogativis vobis Cæsarei *hujus Diplomatis nostri vigore conjunctim vel separatim competentibus pacificè, quietè, & sine omni prorsus impedimento uti, frui, potiri, gaudere sinant, adeóque vos & illos in iisdem conservare et manu tenere studeant, hæcque omnia et singula ab aliis etiam quantum in ipsis erit, fieri curent. Si quis vero aliter fecerit, et hoc nostrum* Cæsareum *diploma, in parte, vel in universum temere ausus fuerit violare, is noverit se ipso facto præter nostram, et* Sacri Romani Imperii *indignationem gravissimam, sexaginta quoq; Marcarum auri puri pœnam pro dimidia parte Fisco nostro* Cæsareo, *et pro residua injuriam passo, vel passis, omni spe veniæ sublata, et ex æquo toties quoties contra factum fuerit, solvendam incursurum. Harum testimonio literarum, manu nostra subscriptarum, et Sigilli nostri* Cæsarei *appensione munitarum. Datum in Arce nostra Regia* Pragæ, *die decima nona mensis* Novembris, *Anno Domini Millesimo, sexcentissimo, decimo; Regnorum nostrorum,* Romani *Trigesimo sexto,* Hungarici, *Trigesimo nono, et* Bohemici *itidem Trigesimo sexto.*

Rudolphus

†

V Leopoldus *à Stralendorf*

L.B. V.C.

Ad mandatum Sac. Cæs. Majestatis proprium

Jo. Barvitius.

* *Privileg. Foresti de Bergamo cujus mentio apud* Pith. *de Palat. Comp. lib.* 1. * *Videsis* Jacob. Canem *de officio* Tabellionatus tit. *Forma Instrumenti, &c.*

The discharge also of *taxes is sometimes inserted and power of making publick *Notaries and ordinary Judges often. *Ut possis & valeas per totum* Romanorum *Imperium & ubique locorum Notarios publicos & Judices ordinarios creare & facere,* are the words in the Patent of [a] Creation to *Reusnerus.* Sometimes also the appointing Tutors or Guardians to Infants, Adoptions, Manumissions, making of

[a] Sagittar. *ad Thes.* 34.

Knights,

Knights, giving of Arms, granting of Pardons, and such more. And in that to *John de Dominis* and his brothers—— *Possitis insuper facere & creare Notarios publicos & tabelliones, necnon Judices Ordinarios & Delegatos, & per vos ipsos facere, exercere omnia ea quæ sunt Jurisdictionis ordinariæ, voluntariæ vel Delegatæ, &c.* And for a special example of the largest Privileges annext to this dignity, observe that of *Charles* IV. to *John de Amatis* (as it is recited in a Patent[b] made by *Count Ferdinand de Amatis* to *Bartholomæus Bilovius* at *Padua* in *December*, MDC. The Emperor gave (saith *Ferdinand*, speaking of the posterity of *Count John*) *liberam potestatem non modo legitimandi, adoptandi, emancipandi, manumittendi, cives* Romanos *creandi, Tabelliones, ac Doctores pronuntiandum verumetiam (morum prius & personarum qualitate indagatâ receptáq; de fide* Romano *Imperio &* Cesareæ *Coronæ præstanda juramento) Milites armatos inditiæ faciendi, infames redintegrandi, crimen læsæ Majestatis absolvendi, ignobiles nobilitandi ac porro illustres, spectabiles, ac clarissimos imò* Comites, Valvasores, Capitaneos, *majores & minores & medicorúmque cum earundem vel aliquarum ex eis dignitatum & potestatum, quas in alios transferre possimus, concessu creandi.* Here the giving of dignities also, and that of the very dignity of *Count*, is a privilege joyn'd with the title of *Count Palatin* to this Family. *The Empire.*

[b] *Apud* Sagittar. *ad Thes.* 8. *Videsis item privilegia cum hac dignitate à* Rudolpho 2. *concessa* Raimaro Seltrechto *Juris V. Doctori &* Philippi Pomeraniæ *Ducis Consiliario apud* Matth. Stephani *de Jurisdict. lib.* 2. *part.* 1. *cap.* 6 *membr.* 1. §. 71. 72, 73.

In that Bull also of *Paul* III. to the Referendaries in the Court of *Rome*, after those words of their Creation before cited, power is given them to create publick Notaries *ad instar aliorum dicti* Palatii Comitum *ubiq; locorum, extra tamen muros urbis seu locum in quo* Romanam *Curiam residere contigerit*, and to make ordinary Judges, investing both of them *per Pennam & Calamare ut moris est*, and taking the Oath of them, which is prescribed at the end of the Bull, for their faith to the Church of *Rome*, and just execution of their places. Also to legitimate Bastards, to all purposes, *Prout Collegium* Archivii *dictæ* Romanæ *Curiæ vel ejus Officiales juxta facultatem eis per piæ memoriæ* Julium *Papam* II. *etiam prædecessorem nostrum concessam vel alias ipsi* Comites Palatini *de jure vel consuetudine legitimare & habilitare respectivè possunt*; to make Doctors, Licentiats, Masters, and Bachilers of either Law, Divinity or the Arts, with the assistance of two or three Doctors, Masters, or Licentiats in the faculty whereof they make them. And these Graduates have by the same Bull equal dignity and privilege with all others made in any University. Divers other privileges are there given to them, especially in Ecclesiastical matters. Afterward *Pius* V. ordain'd that no legitimation made by any such *Count Palatin* should be good *in præjudicium Vocatorum ex fidei commisso aut testamento, vel quavis aliâ valida tamen dispositione*, as the words of the [c] Bull are. The privilege also of making of Notaries given to Referendaries, is lessened by *Pius* [d] V. And for the power of making Doctors, Licentiats, Masters of either Law or Divinity; it was expresly taken (as far as Papal authority could extend) from all *Counts Palatin* by the same *Pius*; and such also as had been made by *Counts*, were precluded from all benefit, that they might thence pretend unto in the Church. *Decernimus & declaramus* (says his [e] Bull) *eos qui à* Comitibus *& aliis promoti fuerunt, quoad dignitates cæteráq; beneficia Ecclesiastica nulla gradus prærogativâ frui & gaudere posse vel debere.* And *Lælius Zecchius* a Doctor of both Laws is much deceived (unless he wrote before that later Bull of *Pius* V. But his Book was publish-

[c] Pius *quart. Constit.* 45. *Quamvis* 30. *Dec.* 1562.
[d] *Constit.* 87. *Pridem. Videsis* Pauli 5. *Constit.* 71. *universi. de Reformatione Tribunalium Tom.* 3. *Bullar. pag.* 278. *Col.* 2.
[e] Pius 5. *Constit.* 60. *quamvis* 1. *Junii* 1568 *in Bullar. & 7. Decretal lib.* 3. *tit.* 4. *de Comitibus Palatinis.*

The Empire.

ed long since) wherein [f] he says that by the Bull of *Pius* IV. legitimations of *Counts Palatin* are forbidden (according to that before cited out of the Bull) but he allows them still the authority of making Doctors, Licentiats, and Masters in both Laws and Divinity. But this we see is as much forbidden by *Pius* V. as the other by the IV. Whether Doctors and other Graduats created by such *Counts* made by the Emperor have like Privileges with others that are made according to the Laws of Universities, is largely disputed in [g] *Matthias Stephani*. Those *Counts* made by the Emperor may still (according to their privileges) give degrees in any faculty. And such as are made by the Pope also with the Privilege (without a *non obstante* to that Bull) may at this day according to the Laws of the Church of *Rome* exercise their power in making of Doctors of Physick or Philosophy, as you may see in this next example with which we begin the exercise of their privileges.

f *De Repub. Ecclesiast. cap. 10. pag. 131. Veronæ 1599.*

g *De Jurisdict. lib. 2. part. 1. c. 6. membr. 2. §. 74, 75. &c. eodem capite etiam, §. 29. & seqq. de Spuriis ab eis legitimandis, fusius.*

XLI. *Salustius Tiberius à Corneto* in his Formulary [h] hath this instrument of a Doctorship in Philosophy and Physick, given under Seal by *Hieronymo Botis* a Doctor of the Arts, Physick and Divinity, and a *Count Palatin* created by the Pope, to one that was first examined upon several questions both in Philosophy and Physick by two Doctors of both Faculties, and thence reported to be sufficient.

h *Formul. lib. 3. pag. 287. Romæ 1621.*

IN Nomine Sanctæ & individuæ Trinitatis Patris & Filii & Spiritus Sancti; Amen. Hieronymus Botis Comes Palatinus, *&c. Artium, Medicinæ, Theologiæ Doctor, primus olim Perusini Gymnasii Philosophus, superordinarius, &c. Universis & singulis præsentes literas sive præsens publicum Doctoratus instrumentum, & privilegium visuris, lecturis, pariter & audituris notum facimus & attestamur, qualiter vocatis magnificis* DD. F. & N. *Art. & Medic. Doctoribus, ut magnificum* D. B. *q.* D. B. *q.* D. A. & C. *conjugum filium legitimum & naturalem in Artium Medicinæ & Philosophiæ rigorose inquirerent, & examinarent; Qui quidem Domini Doctores mandatis nostris obsequentes, datis dicto* B. *his punctis. Videlicet,* primo Phys. text. 42. omnia autem contraria faciunt principia, &c. *& primo Aphorismorum Aphorismo* 7. ubi morbus peracutus est, &c. *& eodem* B. *super eis rigorose et diligenter inquisito, et examinato, ita eum tam in legendo, inferendo, sustinendo quam etiam in aliis emergentibus quæstionibus, ac fortissimis, et subtilissimis argumentis contra eum summo cum studio factis respondisse, et replicasse valde diligenter, et subtiliter nobis juxta eorum conscientiam retulerunt, ut merito ad hujusmodi Artium Medicinæ et Philosophiæ Doctoratus gradum tanquam idoneum et sufficientem promoveri possit; ideo vigore indulti nobis à sede Apostolica concessi (hic causa brevitatis inseri omisi; quod tamen volumus inseri quandocunq; posse) de eorundem*

D.D.

D. D. *Doctorum unanimi consilio, et assensu considerantes, quod ex annosa literarum radice debes, et glorioſè debeant recolligi fructus; ipsum* B. *ad Nos revocatum, et id postulantem ad gradum et insignia Doctoratus hujusmodi ad laudem et gloriam omnipotentis Dei, et glorioſissimæ ejus Matris* Mariæ *Virginis, omni meliori modo, quo magis, et validius potuimus, et debuimus, ac possumus et debemus, recipimus, et assumpsimus, ac aliorum Doctorum in arte Medicinæ, et Philoſophiæ numero, et actui aggregavimus, prout tenore præsentium recipimus, assumimus, et aggregamus. Pronunciantes, decernentes, et declarantes* ipsum B. Artium, Medicinæ & Philoſophiæ Doctorem *omnibus et singulis Privilegiis, Exemptionibus, Prærogativis, Libertatibus, Immunitatibus, Honoribus, Conceſſionibus, Favoribus et Indultis quibus cæteri Doctores utuntur, potiuntur et gaudent, uti, potiri, et gaudere debere*; ſibique libros clauſos & apertos, biretum in capite, annulum in digito, oſculum pacis, ac ſedem, ſive Cathedram, omniaque & ſingula Doctoratus inſignia *ſibi tradidimus et conceſſimus, prout tradimus et concedimus per præſentes. In quorum omnium et ſingulorum fidem et teſtimonium præmiſſorum, præſentes manu noſtra propria ſubſcriptas, et Sigilli noſtri appenſione munitas, fieri curavimus. Datum et actum* Romæ *in ædibus noſtris ſub anno &c. præſentibus, &c. teſtibus, &c.* *The Empire.*

XLII. The courſe alſo uſed by *Counts Palatin* in giving the Crown of Laurel to Poets is ſeen eſpecially in that of *Joannes Cruſius* [a] his receiving it at *Strasbourg*, in *An.* 1616. from the hands of *Thomas Obrechtus* a profeſſor of Law and a *Count Palatin*, whoſe Patent from the Emperor is before inſerted. Firſt the time and place were ſolemnly appointed by a publick inſtrument from the *Count*, wherein he ſhews how much degrees in learning conduce to the advancement of it, and then that *Paulus Cruſius* having firſt received the dignity of Maſter of Arts, now, out of his happy vein in Verſe, deſerved alſo the Laurel of Poetry, and therefore by vertue of the power and licence that he had from the Emperor, he appointed the XXIII. of *December* (the inſtrument was dated the XX.) for the ſolemnity of giving it him. *Quamobrem* (ſaith he) *Omnes literarum ſtudiorúmq; amantes ac in primis illuſtres & Generoſos Dominos, Comites, atq; Barones, Patres Academicos omnes, omnium ordinum Doctores, Licentiatos, Profeſſores, Magiſtros, Auditores, Nobiliſſimos, præſtantiſſimos, doctiſſimos, ea quæ decet animi veneratione invitamus ut fœlicitatem hujus actus literarii illuſtri ac honorifica ſua præſentia non ſolum illuſtrare atq; exornare, verum pia etiam vota hac præſertim conclamata tempeſtate, pro ſalute Eccleſiæ, Scholæ & Reipub. ad Deum facere nobiſcum velint majorem in modum rogamus ac obteſtamur.* At the day appointed, the aſſembly being full, *Cruſius* begins with the recital of this petitory Epigram.

[a] Daphnis ſeu *Actus Cæſareus Argentorati* 1616. *in* 8.

Cæſarei

The Empire.

Cæsarei Comes *alme fori, clarissime* Thoma,
Si merui Laurum, Phœbus adesto mihi.
Si minùs, hîc reddas justæ argumenta repulsæ,
Parebo monitis parte in utraque tuis.
Fallor? an adspicio viridem sub veste Coronam.
O dii! quam pulchrè Laurus amœna viret!
Cæsaris hæc munus, vigeat cum Cæsare Laurus:
Prævaleat vulgo Gratia Cæsarea.
Quæ mihi contingit per te, celeberrime Conse
Si mihi continget Laurea Cæsarea.

Then the *Count Palatin* made a long speech in praise of the art of Poetry, which he concluded with ——*Audivistis hactenus satis superq; uti spero, Auditores Nobilissimi, intellexistis, Artem Poeticam Reipublicæ & utilem & necessariam esse, ejus cultores dignis afficiendos præmiis, titulum & privilegia Poetæ Laureati, non quibusvis promiscuè & sine discretione sed iis tantùm conferenda esse, in arte Poetica singulares qui fecerunt progressus.* Then directing himself to *Crusius* that was to be honour'd with the Laurel, *Cum itaq;* saith he, *tu Magister* Johannes Paulus Crusius, *Poeseos candidate, ad eundem honoris & dignitatis titulum aspirare cupias, tui jam officii tuarúmq; partium erit, ut antequam petitus honoris titulus, solenni cum applausu tibi conferatur, eruditionis tuæ insigne ac nobile aliquod specimen illustri huic auditorio edas, exhibeas te talem, qualem te commendo ut omnibus & singulis liquidò constet te eum esse quem ipsa eruditio ac doctrina commendet, ipsa virtus & minorum integritas condecoret, ipsa justitia honore petito condecorandum dignum judicet, nec ipsa etiam invidia, virtutis Comes, idem deneget.* Then *Crusius* recites a Poem of above CCC verses, *Hexameter* and *Pentameter*, his Theme being (chosen by himself) *Quam nihil omnis homo!* And these verses are called in the act of Creation, *Specimen pro impetranda Laurea.* Next, the *Count Palatin* (to the end that this his act of conferring the Laurel might have the fuller credit and authority with all that were present) produces the Emperor's Patent that made him *Count Palatin* and gave him this authority, and hath it recognised upon a solemn observation of the Seal and subscription by a publick Notary, and openly read by him also. Thence he summs up the authority given him and shews that the course is that whosoever is to be thus crowned with the Laurel ought first to take an Oath to the Emperor and his successors, which he bids the publick Notary read to *Crusius*, and required *Crusius* carefully to hearken to it. The Oath was, *Promittes & jurabis quod velis esse Invictissimo, Potentissimo & Serenissimo Principi ac Domino, Domino* Matthiæ *Primo* Romanorum *Imperatori semper Augusto & eidem Sacro* Romano *Imperio, omnibus successoribus ejus* Romanorum *Imperatoribus ac Regibus legitimè intrantibus, fidelis; nec unquam assistes consilio, ubi periculum eorum tractetur; sed bonum & salutem eorum defendes fideliter & promovebis, damna eorum pro tua possibilitate & facultate vitabis & avertes; quæ in laudem & honorem* Romani Imperii *spectabunt aliquando carminibus celebrabis, amplificabis, nec licentia data, in maledicentiam & convitia prorumpes; ab omnibus famosis libellis abstinebis & omnia quæ Cæsareum, verum, sincerum & Germanum Poetam jure vel consuetudine decent, modo sint honesta & justa, diligenti exercitio & morum ornatu facies & præstabis.* By direction then

then of the *Count*, he lays his hand on the book and ſwears, *Hæc omnia mihi prælecta ſummâ quâ potero obedientia & diligentia obſervabo & faciam, ut me Deus adjuvet, & hæc Sancta Dei Evangelia.* The Oath thus taken; becauſe (ſaith the *Count*) I doubt not but that during your whole life you will truly obſerve what you have thus ſworn, it remains only that I now give you the Laurel appointed for you. *Te itaq;* Johannem Paulum Cruſium *Argentinenſem liberalium Artium ac diſciplinarum Magiſtrum in hac florentiſſima aſſidentium & adſtantium Corona ob inſignes ingenii tui dotes, præſertim verò artis Poeticæ doctrinam ſingularem, peritiam eximiam; ut moris eſt, vigore, ac tenore Cæſarei hujus noſtri diplomatis, tanquam* Comes Palatinus *Auguſtiſſima Imperatoriæ ac Cæſareæ Majeſtatis Auctoritate, hac* Laurea Poetica *coronamus, condecoramus, donamus, ac* Poetam & Vatem Laureatum *pronuntiamus, proclamamus, facimus, creamus, promovemus, aureóq; hoc* Annulo *ornamus, condecoramus, & hoc ipſo* Laureæ Poeticæ *inſignibus ac titulis inſignimus, inveſtimus, aliorúmq; Poetarum numero, Ordini, & Conſortio cooptamus, adſcribimus, & aggregamus. Concedimus inſuper, plenámq; facultatem, authoritatem & licentiam elargimur ut tu per Nos* Laureæ Poeticæ *titulo ſic donatus, ab hac hora in futurum poſſis & valeas omnibus paſſim in Urbibus, Civitatibus, Communitatibus, Univerſitatibus, Collegiis & Academiis quibuſcunq; univerſi* Sacri Romani Imperii, *& ubi libet terrarum in artis Poeticæ facultate publicè legere, docere, ſcribere, interpretari, commentari, cathedram aſcendere, diſputare, ac omnes præterea eos Actus Poeticos quos cæteri* Poetæ Laureati *ſolenniter inſigniti atq; inveſtiti, ſubire, facere, & exercere ſoliti ſunt, ſuſcipere & exercere, ac omnibus deniq; & ſingulis quibus iidem Poetæ, quocunq; demum loco, & à quibuſcunq; poteſtatem, facultatémq; Lauream conferendi habentibus, promoti, ornamentis, inſignibus, privilegiis, prærogativis, exemptionibus, honoribus, præeminentiis, favoribus, indultis & gratiis uti, frui, potiri, & gaudere quomodo libet, conſuetudine, vel de jure, omni dolo, fraude, contradictione quorumcunq;, ac ſiniſtra machinatione ſublata penitùs ac remota.* *The Empire.*

With a Laurel we ſee alſo a Ring was given him. And after the *Count* had made another ſpeech touching the Laurel and Ring, the crowned Poet recites another Poem of thanks for his dignity, and ſo the Act ended. Other teſtimonies occurr of the Laurel and Ring thus given in the Letters teſtimonial of *Counts Palatin* to Poets Laureat, as in thoſe of *Reuſner* to *Caſparus Wagnerus* 29. *Decemb.* 1593. *Te per Laureæ impoſitionem & Annuli traditionem* Poetam Laureatam *fecimus.* And in another of the ſame *Reuſner* and *Jacobus Graſſerus* (both *Counts Palatin*) to *Michael Bartſchius* 8. *Julii* 1618. ——*Imperiali autoritate fronti ejus ingenioſiſſimæ* Lauream Poeticam *impoſuimus, & dextram in diviniore hac Poeſeos harmonia exercitatiſſimam Annulo aureo exornavimus*; Both which are noted in [b] *Thomas Sagittarius.* And *Martinus Cruſius* ſpeaking of *Jacobus Baſilicus* [c] *Deſpote* of *Samos*, and a *Count Palatin*, ſaith, that *ab eo creatus fuerat Poeta* Zacharias Orthus, *qui nobiſcum Tubingæ fuit* 64. & 72. We conclude here with thoſe Verſes of *Paulus Meliſſus* (who was a *Count Palatin*) expreſſing his ſolemn giving the Crown of Laurel to *Matthias Stephani* at *Heidelberg*, * where alſo he was made Doctor of both Lawes.

b *De Jure & Privileg. Com. Palat. ad Theſ.* 31. *lit. d.*

c *Turcogræc. lib.* 3. *pag.* 248.

* 1599. 19. *Aprilis præſid.* Matth. Steph. *de Juriſdict.*

——*Annis à juvenilibus*
Inſtinctus acri corda thyrſo
Caſtalios inhiare cœpiſti *Fontes*

The Empire.

Fontes amœnos, O Stephane, *& tuæ*
Fetûs abundè ſæpius indolis
Dias in aras publicaſti,
Non ſine laude recentis ævi
Partæq; famæ. Proinde etiam, licèt
Te per ſupremos extulerit gradus
Dice triumphantem, foriq;
Curia, Romuleique *faſces;*
Adhuc Poetari ingenuè ſoles.
Eo fit, ut me Judice Lauream
Apollinarem *cenſearis*
Poſſe tuis merito capillis
Geſtare: quâ nunc te, vice Cæſaris
Fungens, corono: *juribus additis,*
Queis liberè utuntur, fruuntur,
Pieriæ Comites cohortis.
Tu quod decorum eſt, ſi tua poſtmodum
(Ut ante) lima ſcripta poliveris,
Seras ut æternum Nepotum
Ad ſoboles mereare nomen.

XLIII. This cuſtom of giving Crowns of Laurel to Poets (touching which we take lieve by the way here to ſpeak more largely) as the Enſigns of the degree taken of Maſterſhip in Poetry, and that by Imperial authority exerciſed either by the Emperor's own hand, or by *Counts Palatin*, or by others that have ſuch delegate authority, hath continued above CL years at leaſt in the Empire. In the *French* Empire I remember no example of it. Nor was any Poet after the tranſlation to *Germany*, until that of *Petrarch*, ſome ſay, made Laureat. Neither was he by the Emperour, or by any *Count Palatin*, but by the City of *Rome*, and that in the Capitol, whence being carried with a pompous attendance he conſecrated his Laurel on the top of Saint *Peter's* Church. *Coronantur Poetæ* (ſaith *Matthias* * *Stephani*) *à Comitibus Palatinis Lauru, quam ſacratiſſimi olim Imperii Romani Principes geſtarunt, quam* Germani *Cæſares non aliqua vicaria ſed ſua manu Poetis qui id honoris virtute ingenii conſecuti eſſent, imponebant. Unde conjicere liquet, quid de ſtudio Poetices Imperatores judicarint. Quin & Senatum urbis* Romæ *idem magnifacere exinde conſtare poteſt, quod anno Chriſti* MCCCXLI. *deſuefactum ab aliquot ſeculis morem Poetas coronandi revocaret, &* [d] Franciſcum Petrarcham *magna populi frequentia & acclamatione in Capitolio Laureâ donaret, quam ille deinceps ingenti Nobilium pompa comitatus tholo & umbilico tetudinis Templi Petrini, exemplum poſteritati, ſuſpendit.* *Lewes* of *Baviere* was then Emperor. But there was ſome uſe in the *German* Empire, long before *Petrarch*, of the Emperor's giving this Laurel; and perhaps it began there about the time of thoſe other degrees in Learning which came into frequent uſe about *Frederick* I. For in the time of S. *Francis* (who lived in the end of that Emperor) we find that a Poet had been then crowned by the Emperor. Among thoſe that came to ſee Saint *Francis*, *quidam ſecularium Cantionum* (ſaith *Bonaventure* [e] that lived alſo near C years before *Petrarch*) *Curioſus inventor, qui ab* Imperatore *propterea fuerat* coronatus *& exinde Rex verſuum dictus, virum Dei contemptorem mundalium adire propoſuit*; and he tells us further

* *De Juriſdict. lib. 2. part. 1. cap 6. memb. 1. §. 91. Videſis porro* Lil. Gyrald. *de Poetarum hiſtoria Dialog. 1. p. 16. & Ab* Urſo Anguillariæ Comite *&* Jordano *de filiis* Urſi *Romanis Senatoribus,* Petrarcha *l. dib. April. in Capitolio anno* 1341. *Coronatus eſt. Videſis* Henric. Bullinger *de Epiſcop. Inſtit lib. 2. cap. 19.* Carol. Paſchal. *de Coronis lib. 5. cap. 14. &* Petrarchæ *vitam à Papirio Maſſovio conſcriptam, præterea ipſius Opera quorum tomo 3. ipſum Laureæ receptæ Privilegium legitur.*

[e] *Vita S. Franciſ. cap. 4.*

further of some Visions of this crowned Poet. But afterward the Laurel was given by Frederick III. to *Conradus Celtes*, and he was called the first Poet Laureat of *Germany*, and was afterward made by this Patent of *Maximilian* [f] the I. Superintendent or Rector of the Colledge of Poetry and Rhetorick in *Vienna*, with the authority of giving the Laurel to such as deserved it.

The Empire.

f Goldast. *Constit. tom. 2. pag. 482. & in script. rer. Ger. tom. 2. Edit à Freher. p. 237*

De Honore & Privilegiis Poetarum.

MAximilianus, *divina favente clementia*, Romanorum *Rex semper* Augustus, *ac* Hungariæ, Dalmatiæ, Croatiæ, *&c. Rex: Archidux* Austriæ; *Dux* Burgundiæ, Lotharingiæ, Brabantiæ, Stiriæ, Charinthiæ, Carniolæ, Limburgiæ, Gelriæ; Lantgravius Alsatiæ: *Princeps*, Sueviæ; Palatinus *in* Habspurg, *&* Hannoniæ: *Princeps & Comes* Burgundiæ, Flandriæ, Tyrolis, Goritiæ, Arthois, Holandiæ, Selandiæ, Ferretis, *in* Kiburg, Namurci, *&* Zutphaniæ: *Marchio* Sacri Romani Imperii *ad* Anasum *&* Burgoviæ: *Dominus* Frisiæ, *Marchiæ* Sclavonicæ, Mechliniæ, *Portus* Naonis *&* Salinarum, *&c. ad perpetuam rei memoriam. Notum facimus tenore præsentium universis, Cum post susceptum divino auspicio Cæsareæ Majestatis titulum, officii nostri imprimis duxerimus, ad ea singula animum intendere, quæ & Reipublicæ nostræ decori & ornamento perpetuo fore arbitramur, & nationem nostram* Germanicam *ac domum* Austriæ, *ex qua orti sumus, quantis possemus honoribus apud omnes gentes ad posteritatem notas faceremus, id potissimum occurrit pro æternitate literarum necessarium in humanis rebus fore, ut populis et urbibus nostris* Romanarum *literarum Gymnasia, laudato ordine et* Romano *more statueremus, unde publicarum rerum moderatores ac rectores ut plurimum excellentes prodiere, qui veterum rerum gestarum lectione facti prudentiores, bene et beate vivendi rationes multa etiam experientia posteris scripsere. Directis itaque à nobis in nostro* Viennensi *Gymnasio Civilis juris lectionibus, cum in Poetica et Oratoria arte nihil hactenus ibi instituerimus, decrevimus pro ipsius universitatis nostræ augmento* Collegium Poetarum *ibidem, priscorum Imperatorum antecessorum nostrorum more, erigere, obolitamq; prisci sæculi eloquentiam restituere. Itaq; de hac re provehenda et imitanda duos in Poetica et Oratoria, duos vero in Mathematicis disciplinis eruditos, ad ipsum Collegium deputamus: inter quos eum, quem pro tempore lectorem ordinarium in Poetica constituimus, volumus eidem Collegio præesse, quem etiam*

The Empire.

præsentibus nostris ipsius Collegii & lectionum Superintendentem facimus & creamus. Quo autem præfatum Collegium uberiori à nobis gratia & privilegio decoretur, réſque ipsa fœlici gradu debitum ſumat incrementum, pro honore noſtro, & dignitate augendæ Viennenſis *Univerſitatis*, Cæſarea *noſtra auctoritate, ac motu proprio, præfatum Collegium hoc præſenti privilegio & prærogativa decoramus, ut quicunque in præfata noſtra Univerſitate* Viennenſi *in Oratoria & Poetica ſtuduerit, Laureámque concupiverit, is in prænominato Poetarum Collegio diligenter examinatus, ſi idoneus ad id munus ſuſcipiendum habitus & inventus fuerit, per honorabilem fidelem nobis dilectum* Conradum Celtem, *per genitorem noſtrum* Fridericum Tertium *divæ memoriæ* primum inter Germanos Laureatum Poetam, *& modo in Univerſitate noſtra* Viennenſi *Poetices ac Oratoriæ lectorem Ordinarium, ac deinde per ſucceſſores ejus, qui pro tempore Collegio præfuerint, Laurea coronari poſſit. Sicque per eum & ſucceſſores ejus Laureatus Poeta ab omnibus habeatur & celebretur; omnibúſque privilegiis & inſignibus, quibus cæteri Poetæ Laureati fruuntur, quomodolibet, conſuetudine vel de jure, uti & gaudere poſſit, ac ſi manibus noſtris ea dignitate fuiſſet inſignitus. Cujus rei tenore preſentium, damus concedimus, & impartimur, noſtri* Cæſareæ *juris eidem legenti, Poetæ Ordinario, ut prædictum eſt, omnimodam auctoritatem, non obſtantibus quibuſcunque legibus, ſtatutis, conſuetudinibus, ordinationibus atque aliis quibuſcunque in contrarium facientibus, reſervato tamen nobis nihilominus jure Poetas coronandi, quos idoneos duxerimus. Poteſtati enim noſtræ per hoc privilegium nequaquam derogamus. Nulli ergo omnino hominum liceat hanc noſtræ conceſſionis & ordinationis paginam infringere, aut ei quovis auſu temerario contraire. Si quis id attentare præſumpſerit, pœnam indignationis noſtræ graviſſimæ, ac quinquaginta marcarum auri puri irremiſſibiliter ſe noverit incurſurum: quarum medietatem Imperiali fiſco noſtro, ac reliquam partem præfato Collegio decernimus applicandam. Harum teſtimonio literarum, Sigilli noſtri conſueti appenſione munitarum. Datum in oppido noſtro* Bezano, *pridie Kalendas* Novembris, *Anno Domini milleſimo quingenteſimo primo, Regnorum noſtrorum,* Romani *ſexto decimo,* Hungariæ *vero duodecimo.*

And this is that which *Vincentius Longinus Eleutherius* means in his Panegyrique * to this *Maximilian*, in thoſe Verſes.

* *In Rer. Germ. ſcript. tom. 2. Edit. à* Freherio *pag.* 241.

Audiit

The Empire.

Audiit ut nuper Lyricum resonare Poemà
Germani *vatis*, *Phœbi præsente caterva*,
Obtulit huic hilari mox Regia munera vultu,
Munera quæ donare potest tantummodo Cæsar:
Nam potis est Lauro *sacros decorare* Poetas
Celtis *in* Austriaca *memorandi Principis Aula.*

But although this crowning of *Poets* hath not been of very long use in the later Empire, yet, when it first came there into use, it proceeded (it seems) from a kind of example of it which was under the old *Roman* Emperours. That of *priscorum Imperatorum antecessorum nostrorum more* in this Patent of Foundation, intimates somewhat to that purpose. And those Examples are observable in the Acts (as we may call them) or the *Agones* or *Certamina* of *Poets* and of some other Artists, instituted by *Domitian*. They were two; the *Agon Capitolinus* which was celebrated, in honour of *Jupiter*, within every four years or every *lustrum* (for so *lustrum* is here to be interpreted; though in regard of the whole IV. complete still from the beginning of the account before the next Act, the Acts or Games were called; as also upon the same reason the Olympique Games, *Certamina quinquennalia*) and the *Quinquatria* dedicated to *Pallas* and celebrated yearly. In both, the Ensigns of Excellency given, by solemn Judgment of the Emperour and his assistant Judges, were Crowns. In the first, of Oakleaves, or branches of Oak; in the second, of Olive mixt with fillets or labels of Gold. And if one were crowned alone, all the rest being rejected as not meriting any Crown at all, he was then said to be crowned *Contra omnes Poetas*. So it may be conceived by that of *Coronatus contra omnes Scenicos* in that Inscription [k] to *L. Surredius* crowned in one of those Acts by *Domitian*, and *Coronatus adversus Histriones & omnes Scenicos*, is in anotherr of like nature to *M. Ulpius Apolaustus*. The Phrase is so singular that, I think, it occurrs not elsewhere in any Latine of the Antients. *Martial* remembers both those Acts in that on *Domitian*'s [l] birth day,

Hic colat Albano *Tritonida multus in* Auro,
Perque manus tantas plurima Quercus *eat.*

In other of his Epigrams also he mentions the Crowns given in them. And thrice was *Statius* crowned in the *Quinquatria* as himself testifies in that to his Wife [m] *Claudia*.

——*ter me vidisti* Albana *ferentem*
Dona *comes*, *sanctóq*; *indutum* Cæsaris auro;
Visceribus complexa tuis, fertísque *dedisti*
Oscula anhela meis——

The same Honour he remembers in his Celebration [n] of *Domitian*'s Feast.

——*talis longo post tempore venit*
Lux mihi, Trojanæ *qualis sub collibus* Albæ,
Cum modò Germanicas *acies*, *modò* Daca *sonantem*
Prælia, Palladio *tua me manus induit* auro.

[k] Gruter. *Inscript. pag.* 331. *num.* 4. & 6.

[l] *Lib.* 4. *Epig.* 1. & *videsis lib.* 5. *Epig.* 24. & *lib.* 4. *Epig.* 54.

[m] *Sylvarum* 3.

[n] *Sylvarum* 4.

The Empire. But as he had the Crown thrice in the *Quinquatria*, so he lost it in the *Agon Capitolinus*, and complains of his dishonour in what follows them before cited to his Wife.

> ——*tu cum Capitolia nostræ*
> *Inficiata Lyræ, sævum ingratúmque dolebas*
> *Mecum victa* Jovem——

And this loss or miss of his Crown was upon the recital of his *Thebais*, as we learn from his own words in his *Epicede* on his [o] Father.

> *Nam quod me mixta* Quercus *non pressit* Oliva
> *Et fugit speratus honos &c.*

[o] *Sylvarum* 5. *de quo loco, vide potissimum* Scaliger. *de Emendat. Temp. lib.* 5. *pag.* 453. & 454.

Where he means that although he had the Crown of Olive with the Gold (which he calls *Albana dona*, and *aurum Palladium*) yet he could not adde to it the Crown of Oak which he expected in the Capitolin Act.

Under *Trajan* this [p] Inscription was made to the Honour of *L. Valerius* a Child of XIII years, crowned in the same Act among others.

[p] Gruter. *pag.* 332. *num.* 3.

L. VALERIO L. F.
PUDENTI.

HIC CUM ESSET ANNORUM
XIII. ROMÆ CERTAMINE
JOVIS CAPITOLINI LUSTRO
SEXTO CLARITATE INGENI
CORONATUS EST INTER
POETAS LATINOS OMNIBUS
SENTENTIIS JUDICUM.

HUIC PLEBS UNIVERSA
HISCONIENSIUM STATUAM
AERE COLLATO DECREVIT.
CURAT. R. P.

The beginning of this *sextum lustrum*, reckoned from the first Institution of the *Agon Capitolinus* which was in LXXXVI of our Saviour (according to the Vulgar Account) or in DCCCXXXIX. *Ab* V.C. falls in CVI. of our Saviour, or about the middle of *Trajan*. Afterward this custom of crowning Poets continued into the time of *Theodosius* the First, as it is observed upon *Ausonius*, who [q] lived then, and writes these of *Atticus Tiro Delphidius*.

[q] *Professor. Burdegal.* 6. & Scalig. Auson. *left lib.* 1. *cap.* 10.

> *Tu penè ab ipsis orsus incunabulis*
> *Dei Poeta nobilis*
> *Sertum* Coronæ *præferens* Olympicæ
> *Puer celebrasti* Jovem.

Corona Olympica denoting here the *quercus Capitolina*, or Crown of Oak, or *Tarpeiæ quercus*, as *Martial* long before called [r] it in that to *Collinus*.

[r] *Lib.* 4. *Epig.* 54.

The Empire.

O cui Tarpeias *licuit contingere* Quercus
Et meritas prima cingere fronde comas.

Where I underſtand *prima fronde* for the firſt Crown rather than as if *prima* there ſignified (as indeed the word might) the general excellency of the Crown, becauſe it was both ſacred to *Jupiter*, and given by the Emperour's hand, as ſome learned men interpret it. For when divers were crowned, the firſt Crown might very well give the beſt Dignity of that Act, the ſecond the next, and ſo the reſt. And although in *Martial*'s time, the teſtimony of thoſe Crowns are not ſo frequent, that we can clearly juſtifie ſuch an Interpretation, yet we find afterward another difference of them in *Auſonius*, which may well enough perſwade us that there were degrees in the Crowns and in the Dignities that were given by them.

Et quæ jamdudum tibi palma Poetica *pollet*
Lemniſco *ornata eſt, quo mea* palma caret;

Saith he to *Paulinus*, making that which had the *Lemniſci* or Labels or Fillets, to be of more Dignity than that which wanted them. And thus much, it ſeems, he underſtood of the Crowns given in the *Agon Capitolinus* only. For the Act of the *Quinquatria*, I think, was not in uſe in *Auſonius* his time. And therefore it may be conceived that in the Capitolin Acts of his Age, the *Corona Lemniſcata* was become to be of like nature with that which *Martial* calls *primam frondem* only.

[f] *Epiſt.* 26. & *vide* Scalig. Auſon. *Lect. lib.* 1. *cap.* 10.

And in that Age of *Auſonius* the Capitolin Act ceaſed alſo, upon the ſame reaſon as their Plaies of all kind did ſoon after. For that was dedicated to *Jupiter*, as the Plaies were to the other Deities of the Gentiles, whence it is that *Tertullian*, S. *Chryſoſtome*, S. *Ambroſe*, and ſome other of the Fathers ſo juſtly inveigh againſt them. For it could not be that either this Act or the Plaies of thoſe times could have been performed according to the firſt Inſtitution without groſs Idolatry, which, in thoſe times of the Infancy of Chriſtianity, was to be feared whereſoever any relation was but ſo made to the name of a falſe god. And after the ending of the celebration of this Capitolin Act, we find no more uſe of crowning of Poets, until the firſt example before remembred under *Frederick* the Firſt, which hath been ſince imitated by the Emperours and *Counts Palatin* and ſome others that therein exerciſe Imperial Authority.

And though the uſe hath been ſince that Age of *Frederick* the Firſt to crown Poets with Laurel (the branches of the tree of their old Patron *Phœbus*, or *amantes carmina Laurus* as *Statius* calls it; which was declined in thoſe antient Acts, perhaps becauſe that was then become in *Rome* moſt proper to the Emperours in their Triumphs) and although the crowning in thoſe times were iterated to the ſame Perſon, which is not done in the later cuſtom, yet learned men attribute the original of the later uſe of it in the Empire to thoſe antient Acts, as if the *German* Emperours had ſo far as Chriſtianity would permit them reduced again that ſolemn cuſtom. *Neq; puta* (ſaith moſt learned *Scaliger* upon *Auſonius*) *aliunde Poetarum Laureatorum morem manaſſe. Nam & ipſi antiquitus ab ipſis* Cæſaribus *Germanis coronabantur. Magnóque in pretio habiti ſemper apud Italos & Germanos qui id honoris virtute*

The Empire.

tute ingenii consecuti essent. Others to the same purpose. Yet neither is it to be understood, as if in those antient *Agones* or Acts, the first use of crowning of Poets were found. It was much ancienter both in *Greece* and *Rome*.

Insignémq; meo capiti petere inde Coronam
Unde prius nulli velarunt tempora Musæ,

Saith [t] *Lucretius*, that lived before the beginning of the *Roman* Monarchy. And other frequent [u] testimonies are of Poets Crowns in the times both that precede and follow *Domitian*, and that given in other places beside *Rome*. But his Institution was that which first made any such Crowns proper to the gift of the Emperours, whence only it hath been derived to his Successours.

t *Lib.* 1.

u *Videsis* Carol. Paschal. *de Coronis lib.* 5. *cap.* 12, 13, & 14.

As from the use of the old Empire, the later took the example of crowning Poets, so from that of the later, some use of giving the Laurel, was antiently received into *England*. *John Skelton* had that title of Laureat [x] under *Henry* VIII. And in the same time *Robert Whitington* called himself [y] *Grammaticæ Magister & Protovates Angliæ, in florentissima Oxoniensi Academia Laureatus.* Under *Edward* the Fourth, one *John Kay* by the title of *his humble Poet Laureat*, dedicates [z] to him the siege of *Rhodes* in Prose. But *John Gower*, a famous Poet under *Richard* II. buried in S. *Mary Overies* Church, hath his Statue crowned with Ivy mixt with Roses. *Habet ibidem statuam* (saith [a] *Bale*) *duplici nota insignem, nempe aurea torque & hæderacea Corona Rosis interserta. Illud Militis; hoc Poetæ ornamentum.* But of the Crown of Laurel given to Poets, hitherto. And thus have I, by no unseasonable digression, performed a promise to you my beloved *Ben. Johnson*. Your curious Learning and Judgment may correct where I have erred, and adde where my Notes and Memory have left me short. You are

x Bal. *Cent.* 8. *script.* 66.

y *In opuscalis aliquot Londini tunc editis; & videsis* Antibossicon *&c. Londini* 1520.

z *Ms. in Biblioth.* Cotton.

a *Cent.* 7. *Script.* 23.

——omnia Carmina doctus
Et calles Mython plasmata & Historiam.

And so you both fully know what concerns it, and your singular Excellency in the Art most eminently deserves it. And I return to the Power exercised by *Counts Palatin* in some other things.

XLIV. Their form of creating Publique Notaries appears in that of Count *Joannes Jacobus Canis.*——*Idem Comes, L. publicum & autenticum* Tabellionem *creavit & fecit, ipsumq; coram se flexis genibus constitutum devotéq; suscipientem, de Tabellionatus officio publice exercendo, tam instrumentis & ultimis voluntatibus & quibuscunq; Judiciorum actibus autenticè conscribendis quam in omnibus & singulis quæ ad dictum spectant officium per omnes terras & loca, quæ* Romanum *profitentur Imperium peragendis cum Penna & Calamis, seu per calamarii traditionem solenniter & legitimè investivit &c. Qui L. ipsi Domino* Comiti *vice ac nomine Imperii* Romani *recipienti corporale præstitit fidelitatis debitæ Sacramentum jurans etiam ad sanctum Dei Evangelium quod instrumenta tam publica quam privata, ultimas voluntates & quæcunq; Judiciorum acta & generaliter omnia & singula quæ sibi ex officii debito facienda seu scribenda occurrerent, justè, purè, fideliter, omni simulatione, machinatione, falsitate, ac dolo remotis scribet, Scripturas illas quas in publicam formam*

b Jacob. Canis *lib. de officio Tabellionat.* ^r. *Forma Instrumenti.* De notariis quos hujusce modi Comites creant extra Imperii territorium. *vide* Gail. *lib.* 2. *Observat.* 71. *n.* 13. Matth. Stephani *de Jurisdict. lib.* 2. *part.* 2. *cap.* 5.

nam debuerit redigere in membranis & non chartis abraſis vel de papyro fideliter conſcribendo, & ſententias & dicta teſtium, donec publicata fuerint & aperta, ſub ſecreto fideli retinebit, & omnia fideliter & rectè faciet quæ ad ipſum pertinebunt. Where we ſee the form of their inveſting a Notary, and the Notaries Oath taken to the Emperour. But thoſe words, *per omnes terras & loca quæ* Romanum *profitentur Imperium*, ſeem to reſtrain the exerciſe of the Office from all other places than ſuch as acknowledge the Emperour ſupreme. And ſome great Lawyers [b] think that a *Count Palatin* to whom this privilege is given by the Pope, cannot create Notaries for any Territory of the Emperour, nor one to whom the Emperour gives it, for any Territory of the See of *Rome*; which they affirm alſo of giving legitimations of Baſtards and the like, though others will have it that a Notary [c] thus created, is to be allowed for a Notary in both Territories, as antiently they were alſo in other States. *The Empire.*

[b] *Vide* Butr. & Abb. *in c. per venerabilem extr. qui filii ſint legitimi.*

[c] *Vide* Jacob. Canem *de officio Tabellionat. & quis poſſit &c.* & Spec. *tit. de Inſtrum. Editione* §.8.

For here in *England*, until a command was to the contrary under King *Edward* II. Notaries thus made by Imperial Authority were commonly admitted. But then it was conceived that ſuch a general admiſſion was againſt the Dignity of the Kings of *England* being ſupreme Princes, and therefore it was ordered that they ſhould not be ſo hereafter taken for Notaries in this Kingdom. And to that purpoſe a Writ was ſent to the Archbiſhop of *Canterbury* and the *Mayor* of *London*, which is yet extant both in the Rolls [d] of the Tower, and in the Regiſter of [e] *Reynolds* then Archbiſhop. And ſomething to this purpoſe is [f] already noted. But in the elder Ages before that of *Edward* II. (after ſuch time as the uſe of Notaries began to be common there, which I conceive to be but about the end of *Henry* III.) Imperial *Counts Palatin* not only made Notaries that were received there, but alſo gave ſometimes, by way of delegation, their power to others in *England* to make them. This ſpecial Example of as much, I find in a Regiſter of the Church of *Wincheſter*, wherein [g] *Rogerus de Monte florum* one of theſe *Counts Palatin*, at the earneſt requeſt of the Prior of *Wincheſter*, that lived about the end of King *Edward* the Firſt, thus grants to him Power to create two Notaries, and to inveſt them *per Pennam, Calamarium & Chartam*, but ſo, that firſt he carefully ſhould examine their ſufficiency, and take an Oath of them to be true to the See of *Rome*, to the Empire, and to the *Count* himſelf.

[d] *Clauſ.* 13. Ed. 2. *m.* 6. *in ſcedula.*

[e] *Regiſt.* Reynolds *Arch. Cant. Ms. fol.* 96. *a.*

[f] *Chap.* 3. §. 5. of the firſt part.

[g] *Regiſt. Ms. Winton. Eccl. de diverſ. Epiſcop. quatern.* 22. *fol.* 7.

VIro venerabili & diſcreto Priori Sancti Swithini Wintoniæ, Rogerus de Monte Florum *Dei gratia* Comes Palatinus, *pacem, gaudium & ſalutem. Sagax humanæ naturæ diſcretio, memoriæ hominum labilitate penſata, ne diuturnitate temporum ea quæ inter contrahentes aguntur oblivionis defectui ſubjacerent, Tabellionatus adinvenit officium per quod contrahentium vota ſcribuntur & ſcripturæ miniſterio poſtmodum longum ſervantur in ævum. Cum itaque ex parte veſtra nobis extiterit humiliter ſupplicatum ut vobis committere dignaremur pro autoritate noſtra & ſucceſſoribus, ſuper creandis Tabellionibus publicis à Divis Imperatoribus, conceſſa, ut duas perſonas idoneas Clericos & ſufficientes Literatos quos duxeritis eligendos creare poſſetis, ad dictum Tabellionatus officium exercendum, Nos de diſcretione veſtra plenam in Domino fiduciam optinentes necnon & de diligentia quam ſuper vobis per nos in hac parte commiſſis laudabiliter vos credimus adhibere, dictiſq; ſupplicationibus inclinati diſcretioni veſtræ præmiſſa & eorum ſingula tenore præſentium duximus committenda, diligenti examinatione præmiſſa, ſuper idoneitate perſonarum, Recepto poſtmodum ab ipſis S. S.* Romanæ *Eccleſiæ, ac Sacri Imperii*

The Empire.

perii nomine ſolito necnon de ipſo Tabellionatus officio fidelium, & legaliter exercendo prout inferius annotatur corporaliter Juramento, quas vos fungi volumus in hac parte ipſis quibus ex tunc concedimus officium memoratum per Pennam, Calamarium, *atq;* Chartam *inveſtiatis de officio prædicto dantes & concedentes eiſdem autoritate præſentium plenam licentiam & liberam poteſtatem ac etiam facultatem inſtrumenta, acta, procurationes, codicillos, prothocolla, cujuſcunq; tenoris & formæ ſcribendi, copiandi, publicandi, & in formam publicam redigendi, teſtes examinandi, & recipiendi, examinationes, & depoſitiones teſtium publicandi, teſtamenta conficiendi, & tam ultimas decidentium voluntates quam quæcunq; inſtrumenta ſuper quibuſcunq; contractibus & negotiis vel actibus quibuſcunq; ſcribendi, copiandi, publicandi, & in forman publicam redigendi, allegationes, exceptiones, propoſitiones ſcribendi & inſinuandi ac omnia alia & ſingula faciendi quæ ad prædictum officium ſpectare dicuntur, ut illa ubiq; fideliter & legaliter exequantur & ad eos tanquam ad Notarios ſeu Tabelliones publicos quotiens opus fuerit liberè recurratur.*

Forma Juramenti de quo ſupra fit mentio talis eſt.

TU jurabis ad hæc ſancta Dei Evang. quod de cætero fidelis eris S. S. R. E. ac ſacro Imperio gratiam & communionem ſedis Apoſtolicæ habenti, ipſique *Comiti* ſupradicto, & quod dictum Tabellionatus officium fideliter & legaliter exercebis, non addens nec minuens aliquid quod in contrahentium vota aliquid prodeſſe vel obeſſe valeat. Scripturas verò per te in forma publica per te redigendas in Carta Papirea vel alias obraſa fuerit ſcriptura in loco ſubſcripto, aut quæ de facili vitiari valeat, non conſcribes, prædictúmque officium ſemper abſque fraude quotiens fueris requiſitus fideliter & legaliter exercebis.

In quorum omnium teſtimonium præſens privilegium conſcribi juſſimus per Notarium infraſcriptum & Sigilli noſtri appenſione muniri. Datum Burdegalæ *in Clauſtro prædicatorum anno à Nat. Domini milleſimo trecenteſimo ſexto, Indict.* IV. *die* XXII. *menſis Novem. Pontificatus Domini* Clementis Papæ quinti *anno ſecundo, præſentibus diſcretis viris* Guillelmo Leſerii, Guillelmo *de* Grantham, Johanne Raymundi, Clericis, *cum pluribus aliis fide dignis ad hoc vocatis ſpecialiter & rogatis.*

Et ego Guillelmus de Gredone *Clericus* Miniacenſis *Dioceſios publicus Imperiali autoritate Notarius omnibus præmiſſis & ſingulis & commiſſioni per prædictum Comitem factæ præſens interfui, & ea omnia & ſingula ſcripſi, & in hanc publicam formam redegi, & ſigno meo ſolito ſignavi rogatus in teſtimonium præmiſſorum.*

g *Des Countes de Champagne, liv.* 1.

h *Cod. Deciſ. Forenſ. liv.* 10. *tit.* 16. *accis.* 1.

i Tob. Paurmeiſter. *de Juriſdict. Imp. Rom. lib.* 2. *cap.* 10. §. 19. *videſis item* Hermann. Kirchnerum de officio & dignitate Cancellarii *lib.* 4. *cap.* 6. §. 83, 84. Menoch *de arbitr. Judic. lib.* 2. *caſ.* 68.

But however this perſonal dignity of *Count Palatin* be allowed in the Empire, and in the Territory of the See of *Rome*, yet the eſtimation of it hath been various. The learned *Pierre Pithou* [g] ſaies that it was never received or acknowledged in *France* to be any lawful dignity, although the Emperour or Pope created them in their own Territories. And in the Parlament of *Tholouſe* in MCCCCLXII. *John de Navarre* a *Count Palatin* made by the Pope, was cenſured [h] for granting legitimations and making Notaries in *France* by colour of his Bull of Creation. And his acts we declared meerly void. And a great Lawyer of this Age in the Empire (having himſelf been created a *Count Palatin* at *Ratiſpon* by *Rodulph* II. in MDXCIV.) makes this perſonal Title of *Count Palatin* leſs than the dignity of any other *Count* or *Grave*, whatſoever. *Horum etſi* (ſaith he) *non vulgaris eſt exiſtimatio & ampliſſima*

Plissima potestatis politicæ pars solis Imperatoribus ac Regibus reservata conferatur, ut nimirum nomine ac vice Imperatoris possint creare tabellionis dignitatem, ac insignia Nobilitatis conferre ac natalibus restituere, ac alia ad summam Reipub. potestatem pertinentia exercere, dignitate tamen Comitibus simpliciter dictis inferiores habentur, nec ad hæredes potestas eorum transmittitur. Which also he speaks as well of such as assume the name from XX years profession as of those that are created. But that of *nec ad hæredes &c.* must be understood only in case where by the Patents of Creation, the dignity and power are not expressly extended to the Posterity of the *Count*. *The Empire.*

XLV. The Original and Nature of both the Feudal and Personal title of *Counts Palatin* being thus opened; it rests now that it be further cleared, as is before promised, why the same title (in a general expression) should be deduced to those *Palatins* that are Feudal, and the greatest, only out of the *French*, and yet those that are personal and so far beneath them out of the old *Roman* Empire. For that point; we must observe, that in the *French* Empire, and also long after the beginning of the *German* Empire, that personal title of *Count Palatin* (as it now expresses any kind of the Personal *Palatins* of this day) was not in any use. At least no testimony any where shews it to have been in use. But during the continuance of the *French* Empire, and afterward also until the times of *Frederick Barbarossa*, the title of *Count Palatin*, or *Comes Palatii* in the Empire, denoted only either the Officiary dignity known by that name in the Emperour's Houshold (as is before shewed) or else the supereminency of those Counts that had like power in their Provinces, as the *Counts Palatin* had in the houshold, and thence had the name also of *Counts Palatin* fixt on them. Neither was there any of those old Laws of the *Roman* Empire, that speak of *Comites Palatii*, either practised or read in the *French* Empire, as neither was any part of the body of the old Imperial [k] Civil Laws, in those times, besides the Feudal Laws. But the *Capitulars* of *Charles* the Great, and other Emperours in the *French* Empire, of some Kings of the *Lombards* in *Italy*, and other such in *France*, were (with local customs) the only Laws studied, and by which all, in those States, was, during those Ages, regulated. And in all those Laws or Customs there was never found any such title as this of the Personal *Counts Palatin* who by vertue of that name alone, without special grant, never so much as pretended to any kind of Jurisdiction. So that there being in all that time but only that notion of *Count Palatin* which designed one of such a supereminent Jurisdiction, either in the Emperour's Court, or in a County or Province; this which is meerly Personal, and assumed either by Professours of XX years, or given otherwise by Letters Patents, was not at all known in the Empire. But when as (about MCL.) the old Imperial Civil Laws were after so long an intermission reduced into Study, the Professours of them finding in *Justinian*'s Code the honorary title of *Comites*, and the *Comitiva*, and other such meerly Personal Dignities of the elder Empire, and especially of the *Comites Palatii* (all such of those elder times of the *Roman* Empire that had the merely honorary *Comitiva*, being also by reason of their residence and attendance at Court, truly *Palatini Comites*, or Counts of the Houshold) perswaded, as I conceive, the Emperours that as they had reduced the Laws of the old Empire into study and use, so they should give this honorary title of *Count Palatin* according as it appeared in those Laws

k *De hac re consulas* Sigon. *de regno Italiæ, lib.* 7 & 11.

The Empire.

that the old Emperours had done. But becauſe from the Cuſtom deduced out of the *French* Empire; there was at that time a far different notion of *Comes Palatinus* as it had relation to the exerciſe of Juriſdiction both in the Emperour's Court, and in Provinces held by Feudal right, therefore in the Letters of Creation of this Perſonal Dignity, a plain diſtinction was made from the Officiary or Feudal *Count Palatin.* This Dignity being only Perſonal and not annext to any Territory, was therein clearly enough diſtinguiſhed from that of others which were either Feudal or had their Titles with relation to Feuds. And for a diſtinction from the Officiary great title of *Comes Palatii* that had its Original in the *French* State; they were, as to this day they are, created *Comites Aulæ*, or *Palatii Lateranenſis*, or the like (as is before noted) to expreſs the meaning of the Letters of Creation to be, that they ſhould have the Title as it was in the Elder Empire under *Conſtantine* when the Palace of *Lateran* was the principal Palace of [l] the Empire, and not as it was uſed in the Palaces of *Triers*, *Cologne*, or elſewhere in the old *French* Kingdom and Empire, where it denoted that great Officer which was Lieutenant or Viceroy for matter of Juriſdiction to the Emperour. And in like ſence are the Profeſſours of XX years *Counts Palatin* if at all they be ſo (which ſome great Lawyers [m] deny) and not otherwiſe; as alſo they who are made by the [n] Pope, or by any other that herein exèrciſe Authority derived from the Emperour.

l *Videſis Donat. Conſtantini.*

m Menoch. *de arbitr. Jud. quæſt. lib. 2. caſ. 68.*

n *Videſis porro de* Comite Apoſtolico Camden. *Brit. pag. 175.*

XLII. That of *Count of the Empire* I find perſonal alſo, as perſonal is oppoſed to Feudal, though it be alſo hereditary. We have a ſpecial example of it in *Rodulph* II. his Creation of *Thomas Arundel* of *Wardour* in *Wiltſhire* afterward made Lord *Arundel of Wardour* by King *James.* The Patent [o] is directed in theſe words, *Illuſtri ſincerè nobis dilecto* Thomæ Arundelio *Noſtro & Sacri Romani Imperii Comiti gratiam noſtram Cæſaream & omne bonum.* And then after a part of the Preamble which concerns the advancement of men of merit, the Emperour conſidering firſt, the dignity of his blood, goes on with

o *Ex autographo.*

INſignes etiam virtutes quibus illuſtre genus tuum magis ac magis domi foríſque illuſtras, ut liberalibus primum diſciplinis pectus imbueris, peregrinas Provincias adieris, multorum mores, multorum & Urbes videris, magnúmque rerum uſum acquiſieris, ut denique tandem hoc ſacro, quod contra communem Chriſtiani *nominis hoſtem* Turcam *gerimus, bello raro ac ſingulari zelo excitus tam longinquis & remotis ex partibus in* Hungariam *propriis ſtipendiis nobis militatum veneris, téque in apertis præliis in Civitatum & Caſtrorum oppugnationibus fortiter ac ſtrenuè geſſeris, ut omnibus nationibus admirationi Nobíſque & à Sereniſſimo Principe Archiduce* Mathia *fratre noſtro chariſſimo & à primariis exercitus noſtri præfectis majorem in modum commendatus fueris, inſigni hoc inter alia exemplo ſpectato quod in expugnatione oppidi Aquatici juxta Strigonium, Vexillum* Turcis *tua manu eripueris & in principiis tempore pugnæ te ſpectandum præbueris, prætermittere*

mittere noluimus quin te posterósque tuos legitimos insigni aliquo gratiæ nostræ documento benignè decoremus; Motu itaque propria, ex certa nostra scientiâ, animo bene deliberato, ac sano accedente consilio, deque Cæsareæ *autoritatis atque potestatis nostræ plenitudine, te supradictum* Thomam Arundelium *qui jam antè Comitum consanguinitatem à majoribus acceptam in* Anglia *obtines, omnésque & singulos liberos hæredes, posteros & descendentes tuos legitimos utriusque sexus natos aternáque serie nascituros, etiam veros sacros* Romani Imperii Comites & Comitissas *creavimus, fecimus & nominavimus, Titulóque honore & dignitate* Comitatus Imperialis *auximus atque insignivimus sicut vigore præsentium creamus, facimus & nominamus, augemus & insignimus, volentes præsentíque edicto nostro* Cæsareo *imperpetuum valituro firmiter & expresse decernentes quod tu, supradicte* Thoma Arundelie, *unà cum universa prole atque posteritate legitima mascula & fœminea in infinitum titulum, nomen, & dignitatem* Comitum *Imperii perpetuis deinceps temporibus habere & obtinere & deferre eóque tam in literis quam nuncupatione verbali in rebus Spiritualibus & Temporalibus, Ecclesiasticis & Prophanis honorari appellari & reputari ac denique omnibus & singulis honoribus, ornamentis, dignitatibus, gratiis, libertatibus, privilegiis, juribus, indultis, consuetudinibus, præeminentiis & prærogativis liberè & citra cujuslibet impedimentum uti, frui, potiri & gaudere possitis & debeatis quibus cæteri nostri* Sacri Imperii Comites *fruuntur, potiuntur & gaudent jure vel consuetudine. Non obstantibus in contrarium facientibus quibuscunque etiamsi talia forent de quibus in præsentibus specialis & expressa mentio fieri deberet, quibus omnibus & singulis quatenus obstarent seu obstare quovismodo possent Cæsarea auctoritate nostra scienter derogamus sufficientérque derogatum esse volumus & declaramus per præsentes; Serenissimæ tamen Principis & Dominæ* Elizabethæ, *Reginæ* Angliæ, Franciæ & Hiberniæ *sororis & consanguineæ nostræ charissimæ juribus ac superioritatibus semper illæsis ac salvis. Nulli ergo omninò hominum, cujuscunque gradus, status, ordinis, conditionis et dignitatis extiterint et quacunque præfulgeant eminentia, liceat hanc nostræ confirmationis, ratificationis, approbationis, corroborationis, erectionis, autoritatis, voluntatis, gratiæ & decreti paginam infringere aut ei quovis ausu temerario contravenire. Quisquis vero id fecerit, is noverit sese ex ipso facto in nostram &* Sacri Romani Imperii *indignationem gravissimam ac pœnam centum Marcarum auri puri (quarum*

The Empire.

The Empire.

rum mediam partem fisco nostro Imperiali, residuam verò injuriam passorum usibus solvendam et applicandam decernimus, omni veniæ seu remissionis spe prorsus sublatâ) incursurum. Harum testimonio literarum manu nostra subscriptarum et sigilli nostri Cæsarei appensione munitarum. Datum in Arce Nostra Regia Pragæ, *die decima quarta mensis Decembris, Anno Domini Millesimo quingentesimo nonagesimo quinto, Regnorum nostrorum,* Romani *vicesimo primo*, Hungarici *vicesimo quarto et* Bohemici *itidem vicesimo primo.*

Rudolphus.

Ad mandatum Sac. Cæs. Majestatis proprium

Jo. Barvitius.

* *Annal. Eliz. ab. R. sect. anno* 1596. *pag.* 126. *Ed. Londini ubi plura de hoc diplomate.*

Hoc titulo qui gaudent (saith * learned *Cambden*) *& hujusmodi privilegiis gaudere perhibentur, ut in Diætis Imperialibus sedem & suffragium habeant, prædia in Imperio comparent, milites volones conscribant & Judicio, nisi in Camera Imperiali, non sistantur.*

XLVII. As the *Counts* or *Graves* of ordinary Provinces were and are generally called *Counts* or *Graves* of this or that Province, so such of them as were imployed in Government under the Emperour in Provinces that were of the Frontiers of the Empire, had the Titles of *Marchio* and *Marggravius* in Latine, and **Marckgrave** in Dutch, and in Italian *Marchese*, whence also the later *Greeks* have their Μαρκίων and Μαρκίσσα for a *Marquess* and *Marchioness*. And the *Counts* of Frontiers were thus called, because those Frontiers were known by the name of **Marken** or *Marks* or Limits of the Empire, in the same sence as in *England*, we say *the Marches* with relation to *Scotland* or *Wales*. The word *Mark* or *March* denoting a Limit, Bound, or Frontier, both in the antient and later Dutch: or rather in the Language of those Nations that overran the most part of Christendom under the Names of *Vandals*, *Goths*, and such more, and mixed themselves with the *Dutch* and most other Nations of *Europe*. For the antient use of *March* or *Mark*; there is testimony in divers Passages that occur in the Laws of the *Alemans*[n], of those that inhabited *Baviere*[o], of the [p] *Ripuarians*, of the *Lombards*[q], and in divers other parts[r] of Story, that give us the same notion of the word *Marcha* (with the Latine termination) which clearly is the same with *March* or *Mark*. Whence it is also that *Commarchani* occurrs[s] for Neighbours *bordering one on the other*. And *Margus* (the same word varied in Termination) is used by *Sugerius* for *Normandy*, being the utmost South March of *France*. So *Marca Hispanica*, *Marca Britannica*, and such more we meet with in the elder times, and thence also *Marchiser* at this day, in *French*, is to border or adjoyn to, and the *Spaniards* say *la Cividad o sus comarcas*, for the City or its skirts or limits. And thus the word hath out of *Germany* and those Northern Nations spread it self into the rest of *Europe*. From *Mark* in

n Alemi. *Tit.* 46. & 47.
o Bojor. *tit.* 12. *cap.* 9.
p Ripuar. *tit.* 60. §. 5.
q Longob. 2. *t.* 30.
r Aimoin. *lib.* 4. *cap.* 109. *Annal. Franc. ann.* 861. Di. mar. *Chronic. lib.* 7. *&c.*
s *Leg.* Bojor. *tit.* 11. *cap.* 5. *&c.*

in this ſenſe, nothing was eaſier than to make *Marchiones* or *Marcheſi* [t] or *Marchiani* [u] (as ſometimes alſo they are called) in the Latin termination, and **Marckgraves**, which literally denotes as much as *Comites Limitanei*, or *Duces Limitanei*, as *Comes* and *Dux* were in the elder ages ofttimes indifferently uſed for the ſame dignity. As *Comes & Dux Sorabici limitis* in ſome old Annals of *France* [x] concurr in the ſame perſon, to expreſs the meaning of **Marckgrave**. And *Sidonius Apollinaris* [y] thus deſcribes the Officiary dignity in *Anthemius*, before the name of Marqueſs appears to have been known

The Empire.

——Comitis *ſed jure recepto*
Danubii ripas & tractum limitis *ampli*
Circuit, hortatur, diſponit, diſcutit, armat.

t Ardrevaldus Floriac. *de Mir S.* Bened. *cap.* 33.
u Pet. *de Vineis lib.* 2. *Epiſt.* 15.
x *Anonym. Annal. Fr. Edit. à* Pithæo *ſub anno* 873.
y *Panegyric. Anthemio.*

And fully to this purpoſe, *Majores noſtri* (ſaith [z] *Aventin*) *unumquodq; regnum, quo citeriora ejus tutiora forent, juxta cardines Cœli, in limites, quibus Præfectos cum Præſidiis Militum & Equitum impoſuere, diviſerunt. Illos* Marcas, *hos* Marcigraphos *appellant.* There are other teſtimonies and infinite to this purpoſe. And from this Original without queſtion, is the title of *Marckgrave* or *Marqueſs* to be derived; however ſome would [a] have it from *Mare* or *March*, as it antiently in *Gualiſh* or old *Dutch*, ſignified a horſe; and others otherwiſe. But in [b] the Feuds; *Qui de* Marchia *inveſtitur* Marchio *dicitur. Dicitur autem* Marchia *quia* Marcha *& ut plurimum juxta mare ſit poſita.* Here ſo much as is ſpoken of *Marchio* with relation to *Marcha* is true. But if the Author in that of *ut plurimum juxta mare, &c.* meant that the word *Mare* had any place in the Original of *Marck* or *Marqueſs*, he was plainly deceived. For although the *Marca Anconitana* and *Trevigiana* in *Italy* as alſo the Marquiſat of the holy Empire in *Brabant*, the *Marcha Normanica*, and *Britannica* in *France*, be adjoyning to the Sea, yet thoſe Marquiſats of *Miſnia, Luſatia, Brandeburg, Moravia, Auſtria, Mountferrat*, and *Suſa* in *Savoy* (being called ſo becauſe they were *Marcæ* or Marches or Limits, and thence having Marqueſſes) are inland Countries, and had the name of **Marggraffeſchaft** or Marquiſat fix'd on them in thoſe elder times when Marqueſſes had their titles, together with ſuch Provinces as were Limits or Frontiers, given them.

z *Annal. Bojorum lib.* 6. & 4.
a Alciat *de ſingulari certamine cap.* 32
b *Lib.* 2. *tit.* 10. *quis dicitur, &c. Videſis autem Autorem libri de Regim. Princip. lib.* 3. *cap.* 20. *vide de* Marchionibus *Imperii.* Tob. Paurmeiſt *de Juriſdict. lib.* 2. *cap.* 10. Matth. Stephani *de Juriſdict. lib.* 2 *part.* 1. *cap.* 6. §. 90. *&c.* Lancelot. *Templ. Judic.* Beſoldum, Alciat. *de ſingulari certamine cap.* 32. *&c.*

The Original of the name of this title being thus opened; the firſt uſe of it alſo muſt be deduced out of the *French* Empire, unleſs we account the *Duces Limitanei*, and ſuch *Counts* alſo as had Provinces which were Frontiers, to have been Marqueſſes in the old *Roman* Empire. Indeed thoſe Officiary dignities were but the ſame in ſence. But the word *Marchio* occurrs not in the Empire before *Charles* the Great. He appointed Governours by that name in *Gaſcony*——*Relictis* Marchionibus (ſaith [c] *Aimonius*) *qui fines Regni tuentes, omnes, ſi fortè ingruerent, hoſtium arcerent incurſus.* And in his Conſtitution *de Regia Imperii Tranſalpini ſede tenenda*, he reckons [d] *Duces & Marchiones.* But although theſe times of the beginning of the *French* Empire had the word or the Title ſo diſtinguiſhed from *Dux* and *Comes*, in regard of the Frontiers that were committed to him that was called by it, yet, perhaps it was but Officiary only, at leaſt, not Feudal as of later time, until under the Emperour *Henry* the Firſt. For before him I find not the making of any particular Marqueſs, whoſe Marquiſat by that name yet

c *De geſt. Fran. lib.* 5. *cap.* 2. & Adhemar. *ibid.* Lud. Pii. *Vide item* Joann. PP. 8. *Epiſt.* 219.
d *Apud* Goldaſt. *Conſtit. Imp. tom.* 2.

The Empire.

yet continues. He againſt the *Danes* made one in *Sleſwick*, another againſt the *Vandals* in *Brandeburg*, and another in *Miſſen*. *Apud* Sleſwick *quæ nunc* Heydebo *dicitur* (ſaith [c] *Helmeldus*) *regni terminos ponens ibi &* Marchionem *conſtituit &* Saxonum *Coloniam habitare præcepit.* But that Marquiſat ended in the death of the Marqueſs that was then created. For the *Danes* after the death of this Emperour *Henry*, ſoon cut him off together with his forces that were there with him. And *Crantzius* ſpeaking of this of *Sleſwick*, and the ſame Emperor's taking in *Brandeburg*, ſaith that he there alſo placed a Governour, *Cui ſimile indidit honoris vocabulum ut* Marchio *diceretur.* But where he ſays that the name of *Marchio* is not found in the [f] Empire before the time of this *Henry*, it is plain enough, by what is before cited, that he was deceived. Since that time divers others have [g] been made in the Empire. And ſome Dukes having Frontiers for their Provinces, have called themſelves as well Marqueſſes as Dukes. *Lotharingiæ Dux & Marchio* was often uſed, [h] the ſtile of the antient Dukes of *Lorrain*. Sometimes *Comes & Marchio* is given to others *in like ſence. Their Creations of Marqueſſes and their Inveſtitures, have been as of the other dignities of Duke and Count. And ſometimes they have been created into the titles of Duke and their Marquiſats made Duchies, as we ſee in that of *Auſtria*.

In the later Times, as of Dukes and Counts there are ſpecially four more eminent than the reſt, ſo alſo of Marqueſſes. And they are called **Die vier hohen Marggrafften**, and their Territories **die vier hohen Marggrafſchafften.** They are thoſe of *Brandeburg*, *Merhern*, (or *Moravia*) *Meiſſen* and *Baden*. And thence was it, perhaps, that in the moſt barbarous Poem of *Henricus Aquilonipolenſis*, [i] the Marqueſs of *Brandeburg* is called an *Archicomes*.

Dux Luneburgi infeudatus non minus iſthîc
Albertus *Brandenburgicus* Archicomes.

So he uſes the word in his Enumeration of the Princes that came to *Lubek* with *Charles* IV. in MCCCLXXVI.

Beſides the Robes of State, the ornament of an Imperial Marqueſs is a Cap of State, and ſuch as the Duke's is. *Birro & ipſe munitus*, ſaith [k] *Lancelotus Conradus*, meaning to tell us the principal Enſign of State that a Marqueſs wears.

But whereas *Nicephorus Gregoras* [l] a Grecian of the later time ſays, that among the Latins (the Grecians ſometimes call all of the Weſtern *Europe*, Latins; but more eſpecially thoſe of the Empire) the dignity of Marqueſs is not of any eminency, but ὅπερ ἐν τοῖς ῥωμαίων στρατεύμασιν ὁ βασιλικὸν κατέχων σημαίαν τοῦτο παρὰ Λατίνοις Μαρκέσιος, Or *a Marqueſs was with them as the Eaſtern Emperors Standardbearer in the field*; He was groſly miſtaken, if he ſpake of the dignity in general, as it is in the Empire. For neither the nature of the title of Marqueſs, nor the name of it hath any relation to a Standard. But the later Grecians do uſually thus err when they ſpeak of the affairs of the Weſt. And *Nicephorus* here, being perhaps miſinformed by ſome that told him that the office of the *Gonfalloniers* in *Italy* (that name indeed literally denotes a Standardbearer) and the title of *Marqueſs* were ſcarce different in dignity (which might be true enough if they meant it of ſuch kind of Marqueſſes as in ſome parts of *Italy* have rather the name only

[c] *Chron. Sclavorum lib. 1. cap 8. vide* Crantz. *Daniæ lib. 4. cap. 18.* Wandaliæ *lib. 3. cap. 16. &* Saxoniæ *lib. 3. cap. 9.* Ludovic. *Dec. lib. 2. Rerum Poloxic. in* Mietzlao 2.

[f] Wandal. *lib. 3. cap. 16.*

[g] *Videſis* Andr. Knichen *Com. in jus Saxon cap. 2. pag. 118.*

[h] Lipſium *Lovan lib. 1. cap. 12. &* Franciſcum de Roſiers *in Diplomatis quæ ſtemmatis Lotharingiæ præfixa, ſaepius.*

* Petr Cluniac. *lib. 2. Epiſt. 32.*

[i] *De primordiis urbis Lubicanæ lib. 2. cap. 8.*

[k] *Templ Judic. lib. 1. cap. 5. de March.*

[l] *Hiſtor. lib. 7.*

only than any ſuch dignity as the name otherwiſe regularly imports) either was that way deceived, or elſe it was from this that the particular Marqueſs of whom he ſpeaks there held his Marquiſat by the tenure of being a Standardbearer to the Weſtern Emperor, and had (as he ſays) ἢ τῶ Μαρκισίε κλῆρον μικρόν τινα, ϗ τῆ ἐπαρχία ἐκείνη ἀνάλογον, *The dignity of Marqueſs, which was of no great eminency, but proportionable to the ſmall Territory*, that was, his Marquiſat. *The Empire.*

XLVIII. In thoſe other titles of **Landtgrave** and **Burggrave**, the like addition of **Grave**, is to **Landt** and **Burg**, as to **Marck** in **Marckgrave**. For **Landt** denotes but as much as *Provincia*, or a Territory. And although, as the Provinces of the other Feudal *Graves* be Land or Territories, ſo they might alſo literally be called all *Landtgraves* or *Comites Provinciales* (for ſo is the ſignificant [m] expreſſion of *Landgraves* in Latin) yet in regard of the large extent of ſome Provinces or Territories, and of ſuch eminency which from that extent the *Graves* of them had before others in the inland Countries of the Empire, theſe *Graves* had at firſt, as a note of excellency, the word **Landt** joyn'd with **Grave** in their common appellation, as at this day it remains moſt eminent in the *Landtgraves* of *Heſſen*. As the Lord of *Verona* [n] or the Family *de la Scala* or the *Scaligers*, of *Mirandula*, of *Padua*, and of *Millain*, had antiently alſo the expreſs name of **Landtherren** or *Domini Provinciales*. And how great the eſtimation of the name was, may be ſeen alſo in that before cited out of *Rigordus*, touching *Otho* the *Count Palatin* of **Witlenſpach**, where (if I apprehend the reading aright) the Title was conceived by *Rigordus*, as great as *Count Palatin*, and, by a miſtaking alſo, to ſignifie it. There are four *Landtgraves* reckon'd (as four *Dukes*, four *Marqueſſes*, four *Counts*, and four of moſt other dignities) for the chief of this title in the Empire. The *Landtgrave* of *Thuringen*, *Heſſen*, *Elſatz* and *Luchtenberg*. This title as diſtinguiſhed from that of other *Graves* came firſt into uſe, it ſeems, in the *German* Empire. And *Landgraviatus dignitas incognita videtur Longobardis*, ſaith [o] *Knichen*. The moſt eſpecial Creation and the moſt antient together of a *Landtgrave*, that I remember, is that of *Lewes* III. *Count* of *Thuringen*. He being by inheritance *Count* there (the *Counts* from the firſt inſtitution having continually increaſed) was by the Emperor *Lothar*, his father in Law, in MCXXVI. created into the title of **Landtgrave**. *Imperator* (ſaith an old [p] Author) *videns* Ludovicum *generum ſuum eſſe militem ſtrenuum & potentem in* Thuringia & Haſſia, *de conſilio Principum*, *ipſum cum* Vexillorum *feſtina exhibitione*, *ut moris eſt*, *Imperatoria legatione ſolenniter extulit &*, *cum magno Præconio*, *ei nomen* Principis *impoſuit*, & Landtgravium *Thuringiæ ipſum proclamari ab omnibus fecit*. *Hic* Ludovicus *primus* Thuringiæ Princeps & Landgravius *genuit* Ludovicum *primogenitum qui ſibi ſucceſſit in* Principatu, *item* Ludovicum Comitem *qui mortuo patre reſedit in* **Tungilbrucke**, whence we may correct a place in an other hiſtory which is called *Hiſtoria ſecunda* of thoſe *Landgraves*, and ſays that *Ludovicus Comes* (the Father of this *Lewes* III.) *genuit* Ludovicum *primum principalem Comitem Thuringiæ*. Doubtleſs it ſhould be *Provincialem* not *Principalem*. But alſo afterward, this Title was attributed to ſome of far leſs dignity than theſe great *Landgraves*.

[m] Krantz. *Wandal. lib. 10. cap. 4.* Cuiac. *de feudis ad lib. 1. tit. 1.*

[n] Goldaſt. *in ord. præfix. tom. 1. Conſtit. pag. 36.*

[o] *Ad jus Saxon. cap. 4. pag. 117.*

[p] *Hiſt.* Erphefordienſis *Anonym. de* Landgraviis *Thuringiæ cap. 18. vide item Hiſt. Secundam de* Landgraviis *pag. 956. & 958. in rerum Germ. Scriptoribus Editis 1583. Francofurti, ex bibliotheca* Jo. Piſtorii.

XLIX. The title of **Burggrave** denotes a *Grave* or *Count* of a Caſtle or

The Empire.

or Fort. **Burg** there signifying a Castle, Fortress, or the like. *Knichen* says that *Burggraviatus eminentia*, or a **Burggravelschaft**, had the name [p] from being *Præfectura Arcis cujusdam Imperii*, **deß Reichs Burck**, *ut sunt Præfecti Castellani.* And *Matthias Stephani*; *Burggravii Arcis Præsidiiq; Præfecti.* So *Cuiacius*, *Besoldus* and * others, whence the *Burggraves* are called also *Comites Castrenses.* The four **Burggravelschafts** of the Empire, are those of *Stromburg*, *Noremberg*, *Madgeburg* and *Rheineck*; there being divers other also of less note. This title began, it seems, in the *German* Empire. For that of *Madgeburg*; although the Territory be annext to the Bishoprick, yet the title remains with the Dukes of *Saxony*, [q] to whom both Title and Territory were heretofore given by the Emperor *Rodulph* the first, who also annext the **Burggravelschaft** of *Noremberg* [r] to the *Graves von Zollern* from whom it is since derived into the Marquisat of *Brandeburg.* And *Magna*, saith *Besoldus*, *hæc olim dignitas erat, adeò ut, in civilibus, etiam Marchionibus jus dicere possent, ni nos fallit Auctor* **des Sachsenspeigel** *part. 3. art. 52. ad finem.* In the **Sachsenspiegel** indeed we read, *Palatinus seu Palansgravius Imperatoris Judex est.* Burggravius *verò, id est perpetuus Castellanus, Judex Marchionis. Aliquando etiam* (saith *Besoldus*) *in Episcopatibus exercebant jurisdictionem, unde* Peucerus *lib. 5. Chronic. eos illarum terrarum judices esse censet, quæ Imperatorum donatione Ecclesiis accesserunt.*

p *Adjus Saxon. cap. 4. pag. 118.*

* *Videsis de hoc nomine* Jac. Wernher *de Ganerbits Castrorum disc. 3. §. 148.*

q Knichen. *loco citato.*

r *Idem ib. &* Besold. *dissert. de Comit. & Baron. Imperii cap. 4. §. 11.*

But in these two titles *Landtgrave* and *Burggrave*, which are found only in the *German* Empire (where they had their Original) this is to be observed, that, as it happens in some others also, they are not so restrained to singular eminency, but that sometimes they occurr communicated to men of less note than such as generally are understood by them. For in some memories of the Dutch, [f] *Landtgraves* are mentioned that were but Barons, and *Burggraves* that were not above Gentlemen. But that proceeds from that various use of such words as make Titles of Honour. For sometimes they are used as significant literally, and sometimes as only for denotation of particular Honour. Literally; as when *Landtgrave* is taken for any pettie Judge of any Province or Territory (for as *Comes* so *Grave*, signified a Judge, and **Landt** literally denotes as well a small as a great Territory) and then it may be well enough applied to such a one as an ordinary Baron is, that hath any Territory and Jurisdiction. The like may be said of *Burggrave.* For regularly as it is a title of Honour, it denotes one that hath the command of some eminent Fort of the Empire; but literally it may also be used for him that hath a command of any obscure or scarce esteemed Fort whence the dignity yet cannot be gained, though the word be. But as the rest, so these of *Landtgrave* and *Burggrave* are and have been commonly hereditary, especially from the beginning of the *German* Empire; and the Investitures of them are as of Dukes, Counts, and Marquesses.

f Stumpf. *Chron. apud.* Besold. *dissertat. cap. 4. §. 12*

L. The Title of **Vaivod** reckoned also among the dignities of the Empire, is but rare in regard of other titles. In the ranks of the Empire published by *Goldastus*, the *Vaivoda Walachiæ*, and *Vaivoda Moldaviæ* are remembred with this note on them. *Sunt*, (saith [t] he) *inter Principes Imperii allecti, sed sub patrocinio Principis* Transilvaniæ, *à quo eximuntur. Quanquam id in præsentia supradicti Principis* (he means *Sigismund* Prince of *Transilvania*, who is called sometimes *Vaivod* also)

t *Corp. Memb. Imperii Germ. in prim. tom. Constit. pag. 18.*

so) *me rogante, illustrissimus Dominus* Caspar Vaivoda Valachiæ *negaverit; asserens Principatui Valachico esse eadem jura ab Imperatore concessa quoad suffragia & dignitates consequendas, quæ ipsi serenissimo* Transilvano. But for the Title of **Vaivod** more anon, where we speak of the dignities of *Poland*, where also, of the Title of *Despote* taken by the *Vaivod* of *Moldavia*. And in stead of it, the name of Prince [u] generally is used also, of which Title more anon by it self. *The Empire.*

u *Diplom. Rodulphi 2. apud Goldast. Constit. tom. 3. pag. 579.*

LI. *Barons* or **Freyherren** of the Empire are principally such as possess Territories and Jurisdiction from the Emperor, together with the dignity of a *Baron* or **Freyherrn**, which Title is also, as those of most other dignities, communicated sometimes to such as have no jurisdiction or Territoriess But that is accidental only, and proceeds from some special descent, grant, or custom. For regularly and originally both Jurisdiction and Territory are essential to them. Yet by reason of such Barons without Territory, *Barones* (saith [x] *Paurmeister*) *in genere definio Proceres proximo, post* Comites, *Nobilitatis gradu ornatos*, and so he defines them without any particular relation to their Territories and Jurisdiction. But *Baldus* makes the Territories and Jurisdiction chief parts of the dignity. For he says that a Baron is one that hath *merum* [y] *mistúmq; Imperium in aliquo Castro, Oppidove, concessione Principis*, which is but, as if he had said, a Baron is one that hath a Territory less than a *Count* or *Grave*, and without the title of *Count* or *Grave*, but with Jurisdiction in it both for Civil and Criminal Causes; whence it is also, that this Dignity in regard of the nature of it (which comes so near an ordinary *Grave* or *Count*) though it differ in name, is by some Lawyers of good note in the Empire reputed, as that of a *Grave* or *Count*. *Quidam Germanis moribus* (saith *Paurmeister*) *inter* Comites & Barones *præter nominis ac ordinis rationem parùm vel nihil interesse arbitrantur*. And to that purpose, he uses the testimonies of those Feudists, *Zasius*, *Schenckius*, and *Rothensal*. And *Besoldus* more directly for their equality with *Graves*; *Tandem ex moribus nostris* (saith [z] he) Comiti Baro *æquiparatur, nullúmq; inter eos censetur esse discrimen; nisi quod* Baro *non est investitus de Comitatu; qui tamen aliis in rebus suscipiendis honoribúsq; administrandis hautquaquam* Comite *inferior censetur*. But although these so almost confound Barons of the Empire with *Counts*, which is a dignity superiour to them, yet others not only separate them from *Counts*, as having a much less Territory, and wanting the Investiture of **Graffeschafts** and the title of *Graves* (and in these cases, the titles make the distinction) but also distinguish them into several kinds among themselves. Some make six kinds of them, and give them their several names. The first they call **Freyen** (which is as much as *liberi* or freemen.) The second **Freyherren** or *liberi domini* as **Freyherrn zu Wolpurg, zu Aulendorff**, and the like. The third **Semper Freyen** or *Semper liberi*, which is given to those that are the special four Barons of the Empire, those of *Limburgk*, *Dussis*, *Weysterburgk*, and *Alwalden*. The fourth, **Herren**, or *Domini* or *Lords*; as **Herrn zu Plawen, Herrn zu Krannichfelt** and such more. The fifth, **Edlen Herren** or *Nobiles Domini*, as the *Counts* of *Mansfield* have the title of **Elde Herrn zu Heldrungen**, &c. The sixth is only **Edlen** or *Nobiles* as **Elde von Overfurst**, for the Baron of **Overfurst**, and sometimes **Edle** after the mention

x *Cap. 10. §. 34.*

y *Ad c. innotuit. extr. tit. de Electione & Alciat. lib. de singulari certamine cap. 32.*

z *Dissertatio de Comitibus &c. cap. 4. § 20.*

The Empire.

of the Barony, as **Ebert von Werberge de Edle,** for *Everart Baron of Werberg*, as he occurrs among the witneſſes to an old Charter [a] of *Magnus* Duke of *Brunſwick* in MCCCLX. Others make [b] two kinds only, the one of **Freeheeren** ſimply ſo called by which, they ſay, are underſtood Barons that have their Baronies conſiſting of fiefs or held in Feudal right, the other of **Semper freyen** that are ſuch (they ſay) that have fiefs held under them, but hold not their Baronies as fiefs. And ſome would have three kinds of them **Semperfreyen** [c], **Freeheeren**, and **Heeren**. That of **Semperfreyen** they find in thoſe four; *Limburgk*, *Duſſis* and the reſt. And for **Heeren**, abſolutely diſtinguiſhed from **Freyen** or **Freyherren**; they find them ſo in ſome Ordinances of the Empire where **Churfurſten, Furſten, Graven, Freyen** and **Herren** are reckon'd with ſuch a diſtinction between **Freyen** and **Heeren**. But I ſee ſome great [d] Lawyers of the Empire, that carefully examine theſe diſtinctions, allow none of them as they may any way conduce to the making of ſeveral ranks among the Barons. Thus take rather the names of **Freyen, Freyherren, Edlen Herren,** and **Edlen,** for indifferent words that denote them. And obſerve by the way, that the word Baron is not uſed in high *Germany*, ſaving when they expreſs their *Freyheren* in Latin. But in high Dutch they call a Baron by ſome of thoſe other names always, though in low Dutch the word Baron be ſometimes uſed as in a ſubſcription of *Philip* Count of *Hohenloe* where he is [e] according to the low Dutch, ſtiled **Baron zu Lieſfelt** among his other Titles. But *Ego Baronum genera nulla eſſe arbitror*, ſaith [f] *Paurmeiſter*; *& quocunq; nomine* **Semperfreyen, Freyherren, Freyen, Edle Herrn,** *vel ſingulariter* **Herrn, Edle** *vel* **die Edle,** *appellantur*, *Nobilitate ac dignitate pares eſſe. Omnes enim generali vocabulo* **Herrn**, *comprehenduntur, ut perpetuò habet Decretorum Comitiorum ſubſcriptio,* **Von der Graven und Herrn wegen,** that is, *By the aſſent or authority of the* Graves *and* Barons. So that all Barons of the Empire immediate to the Emperor, are of one rank, and are known alſo indifferently by all thoſe names ſaving that of **Semper freyheren** which belongs only to thoſe more eminent four, who, it ſeems, have it not as a diſtinction of their rank, from the rank of other Barons, but only to denote their antiquity in the rank of Barons, though others would draw the original of that title from the ſolemn words of *Semper ingenuus exiſtat*, or the like in old Manumiſſions, as if thence afterward that name had been left on ſuch as were made Barons antiently in the Empire. But I ſee not ground enough for that conjecture. And as **Heeren** is a common name for *German* Barons, ſo is **Heerſchaft** for a Barony.

a *Apud* Paurmeiſt. *de Juriſdict. lib.* 2. *cap.* 10. §. 37.
b Petr. *de* Andlo *de Imp. Rom. lib.* 2. *cap.* 12.
c *Videſis* Rutger. Ruland. *de Commiſſionibus part.* 2. *lib.* 5. *cap.* 4. *num.* 35 Munſter. *Coſmog. lib.* 3. *cap.* 20. *&* Beſold. *diſſert. de Comitibus &c. cap.* 4 §. 19.
d *Poſt* Paurmeiſt. *lib.* 2. *de Juriſdict. cap.* 19. §. 39. *Vide* Matth. Steph. *de Juriſdict. lib.* 2 *part.* 1. *cap.* 5. §. 118. *&* Beſold. *loc. citat.* Sixtin. *de Regalibus* t. 2. *n.* 4. *n.* 37. *&c.* Petr. Eritz *de Nobil. Civili, ad Concluſ.* 18.
e *Decret. Ratiſpon.* 1603 *apud* Paurmeiſt. *diſt. loc.* §. 35.
f *Ibid.* §. 9.
g Goldaſt. *Rer. Alem. tom.* 1. *fol.* 218.

LII. Theſe names by which they denote a Baron in high *Germany*, (for in *Italy*, as in the low *Germany* ſometimes alſo, they uſe the word *Baron*) are already ſo interpreted, that their ſignification is thence ſufficiently known. But whence their Latin word *Baro*, which hath been alſo diſperſed through *Europe*, comes and what it ſignifies, is a queſtion much controverted among ſuch as are content to be too troubleſome to themſelves in ſo needleſs a diſputation. Some will have it from *Barones* uſed [h] in *Cicero*, and *Baro* in that of [i] *Perſius*.

> Baro *reguſtatum digito terebrare Salinum*
> *Contentus perages, ſi vivere cum Jove tendis.*

h *Epiſt. ad Attic. lib.* 9. *Ep.* 11. *& de Finibus lib.* 2.
i *Satyr.* 5. *ubi videſis* Elium Vinetum.

Where

Where the old Scholiaſt *Cornutus* reads *Varo*, and tells us that *Varones dicuntur ſervi militum, qui utiq; ſtultiſſimi ſunt, ſervi ſcilicet ſtultorum.* But doubtleſs both in *Perſius* and *Cicero*, *Baro* is taken for a ſtupid contemptible and blockiſh fellow. And *Concurritur* (ſaith [k] *Hirtius*, ſpeaking of the violence offered by *Minutius Silo*) *ad Caſſium defendendum. Semper enim Barones* (or *Berones*) *compluréſq; evocatos cum telis ſecum habere conſueverat.* Here *Berones* or *Barones* ſeems to denote mercenary Soldiers; and to that purpoſe *Mercenarii ſunt* (ſaith [l] *Iſidore*) *qui ſerviunt acceptâ mercede*; *Iidem &* Barones *Græco nomine quod ſint fortes in laboribus.* And in an old *Arabick*-Latin Gloſſary, we read *Barones fortes in laboribus*, which teaches us to mend *Iſidore*'s Gloſſary where it is printed *Bargines fortes in bello.* In ſome other Gloſſaries [m] *Baro* is turned μισῶ or *hatred*, and *Baroſus*, *diſdainful* or *curriſh.* But how from any of theſe ſignifications it can be brought to denote the dignity we ſpeak of, I underſtand not. Others will have it, I know not why, from the Ebrew *Bar* בר that is a *Son.* But clearly they only derive it from the true root, that make it from *Bar Barn* or *Bern*, as in ſome of the Northern Languages which diſperſt themſelves into *Europe* upon the incurſions of the *Goths* and *Vandals*, and the reſt of that kind, it ſignified a man, and in that ſenſe as it denotes the ſex as *Vir* doth and not as *homo* may; or rather as *homo* doth in a common and moſt uſual acceptation when it expreſſes the male ſex only, as in the Provincial Languages that have *Hommes*, *huomini* and *hombres* (all made of *homines*) for *men* only. That *Baro* did ſignifie ſo much, is juſtified not only from thoſe old Gloſſaries which have *Baro* interpreted by ἀνὴρ or *Vir*, but alſo by this that both in *Picart* French, and with us in our Law French (for all or the moſt of the tongues of *Europe* had ſomething from thoſe Northern Languages, and in this particular we ſee the word Baron almoſt in every State of *Europe*) *Baron & femme* denote the ſame with *Vir & fœmina.* And in the Lawes both of the *Salians* [n], *Alemans* [o] and *Ripuarians* [p], *Baro* or *Barus* and *fœmina* occurr for a *man* and *a woman.* *Si quis morttandit Barum aut fœminam, &c.* and *ſi quis fœminam ingenuam colpo percuſſerit, &c. ſi* Barus *fuerit ſimiliter*, and *ſi quis &c. tam* Baronem *quam fœminam, &c.* The word thus ſignifying a man came by application to be reſtrained to a dignity, as *Dux* and *Comes* from their common ſignifications did, and as alſo *Miles* for a *Knight* often, ſometimes for a *Gentleman*; as in the Feudal Lawes. And thence was it that the word *Barones* is ſometimes uſed alſo in Latin Writers [q] for ſome great Officers under the *Graud Signior* in whoſe State we are ſure the Title was never any honorary dignity, as it is and long hath been in the Chriſtian States, where ſuch as had none of thoſe ſuperiour Titles of *Dux* or *Comes*, and yet had their Territories given them under the tenure of *Homage* or *becoming the Men* (as the phraſe is in *England* eſpecially to this day, in homage) or the Barons of the Emperor that gave them their Territories or Towns with Juriſdiction in them, were afterward called *Barons.* And although the name be ſo antient, as it ſignifies a *Man*, and *Barones noſtri* [r] occurr in the *Lumbard* Laws for the *King*'s *Men*, yet it ſeems, the annexing of the name of Baron to Feuds and the reſultance of a dignity out of that annexion, was not common till in the following times of the Empire, when other Feudal dignities alſo grew frequent out of ſuch annexion, as is before ſhewed. And to fit alſo the name of Baron with their **Freyen Fryherren**, ſome learned men tell us

The Empire.

k *De bello Alexandrino & vide* Alciat. *Parerg. 5. cap. 16.*

l Orig. lib. 9. *cap. de civibus.*

m Pith. *Adverſar. lib. 1. cap. 8. videſis item Autor. de Regim. Princip. lib. 3. cap. 20 originationem* Baronis *futilem.*

n *Tit. 33. de viâ Latina.*

o *Tit. 76. & 95*

p *Tit. 58. §. 12.*

q *Chronic.* Richerſperg. *ſub anno* 1190. *pag.* 280.

r Longobard. *lib. 1. tit. 13. L. Vnic.*

The Empire.

that in old Dutch, **Bar**, which signifies a man or manchild, is justly interpreted also by **Frye** or **Free**. So *Goldastus* [f] upon *Winsbeck* an old Dutch Poet; where also he cites out of *Cicardus* an antient Authour of a Glossary that *Baro* (as it denotes *freedom*) is interpreted by *Dominus vel Princeps*. And for the name *Baron* (because more light will be given to it, in relation of the same dignity in other Countries that have it) we conclude here only with this note that when the later *Greeks* that write into the Empire, mention the title of Baron, they call it [t] Μπαρῶν and a Barony Μπαρωνία according to their fashion of expressing *Beta* by Μπ.

But the *Germans* have also the name of **Banner-heer** or **Panner-heer** for a Baron, as if you would say *Dominus Vexillifer* or the like, or as the title of *Banneret* is. The nearness and sometimes community of the title of *Banneret* and *Baron* in other States appears in due place hereafter. But I remember not that it occurrs in the Writers of *Germany*, as applied to that Country, though they have a custom of delivering of the Imperial Banner as an Ensign of the authority of a General which we see in those Letters of *Rodulph* II. directed to the [u] Emperour of *Russia*, the Prince of *Moldavia*, and the Duke of *Zbaraw*, certifying them that he had caused to be delivered, *Vexillum nostrum Cæsareum Imperiali Aquila insignitum*, to *Stanislaw Clopitzi*, *quo secundum morem militarem quamdiu in servitiis nostris fuerit utatur*; to which words *Goldastus* notes in the Margine, *Mos investiendi Principem Imperii*. And it is true, indeed, that the Delivery of a Banner is the antient Ceremony in the Investitures of the Dukes and *Graves* of the Empire, as is already declared.

They that have the immediate title of **Freheeren** (or **Banner**, or **Panner-heeren**) and *Barones* in Latine in *Germany*, were such as in the *Lombard* Customs are called *Valvasores Regis*, and *Valvasores Majores*, and *Capitanei* also. For in the Feuds the name of *Baron* is not; but these names in stead of it. *In Jure Feudorum* (saith [x] *Capiblancus*) *Baronum nomen non reperitur*, *sed* Magni Valvasores *vel* Capitanei, *aut* Proceres *nominari solent*. But of *Valvasores* and *Capitanei* more [y] anon.

LIII. The Titles of *Duke* or **Hertzog**, and *Count* or **Graf** with those that are made by additions to these Titles, together with this of Baron being thus deduced; the Title of **Furst** or *Prince* follows here. Nor did we till now meddle with it, because the various acceptation and use of it in the Empire cannot be so well expressed without the knowledge of those other Dignities that hitherto have been handled. And with it here also we ioyn that great one of **Churfurst** or *Elector*, which (as it is secular) hath its being in those that bear the several dignities **Pfaltzgrave**, *Duke*, and *Marquess*, beside the King of *Boheme*. And therefore could not have had so proper a place before as after those several dignities declared. And as a Corrollary to those Feudal dignities, we add then also other names that are in the *Lombard* customs, comprehensive of divers Feudal dignities together, as *Capitaneus* and *Valvasor*.

For that of **Furst** or *Prince* (to omit the use of it, as it denotes the Emperor himself, and did so in antient *Rome*, and yet in the same *Rome* was attributed to some mean Officers in Government as we see frequently in the *Notitia*, *Cassiodore*, the *Codes* and elsewhere) it hath, in *Germany*, a threefold acceptation. The first is where we find it, as other

[f] *Ad* Paræneticum. *vett. poet. 1. pag.* 414.

[t] *Lit* Joachim. *Patriarch. Alex. apud* Crus. *Turcogræc. lib.* 3.

[u] *Fragæ* 3. *Feb.* 1594. *apud* Goldast. *Constit. Imper. Tom.* 3. *pag.* 579. *Sed &* Banneretti *memorantur sæpiùs in legibus* Subaudiæ *Editis Augustæ Taurinorum* 1588. *ubi etiam à* Baronibus *distinguuntur.*

[x] *Prolem. ad* Rubric. *de* Baronibus §. 5. *& vide* Frecc. *de Subfeud. lib.* 1. *tit.* 2.

[y] §. 35.

ther dignities, joyned with ſome Territory, and denoting a ſingular and diſtinct name of honour: the Second where it is ſpecially alſo attributed to Perſons that have other dignities alſo; and the Third where it comprehenſively denotes all the States of the Empire, beſides the Free Cities. It is alſo but differently a great dignity in *Italy*, which we refer hence to the next Chapter, where we ſpeak eſpecially of the title of *Prince* in the Kingdom of *Naples*. *The Empire.*

Of the firſt kind, an Example is in the Prince of *Anhalt*, or **Furſt von Anhalt**, who is neither Duke, **Pfaltzgrave**, **Marckgrave**, **Landtgrave**, nor **Burggrave**, yet hath this of *Prince* for his eſpecial dignity. And ſome *Graves* have, by the indulgence of the Emperours, been created [a] *Princes*, and are called **die Gefurſtete Graven**, or *Graves made Princes*, as we ſee in thoſe of *Henneberg*, beſides the *Grave* of *Arnberg*, made a *Prince* by *Maximilian* II. and of *Mansfield* by *Rodulph* II. *Divers* other Principalities or **Furſtenthumbs** as they call them, are in the Empire, as we ſee in the ſtiles of the Marqueſs of *Brandeburg* and of the Duke of **Mikelburg** (the one being **Furſt zu Rugen**, the other **Furſt zu Wenden**) and [b] in others. But I find no ſuch ſelect number of four of this rank, as in the other great Dignities of the Empire.

a Paurmeiſt. *de Juriſdict. lib.2.cap.10. §.21.* Matth. Steph. *de Juriſdict. lib.2. part.1.cap.5. §.22.*

b Goldaſt. *in Ord. præfix. tom.1.Conſtit. pag.18.*

The beginning of this title thus applied to a Territory, and making a rank of dignity next above ordinary *Counts* of Territories, appears not. But ſome that have laboured (and that with Learning enough) in the old State of *Germany*, conceive that the Title is to be deduced out of ſuch Cuſtoms as were antienter in *Germany* than the *Roman* Government. They obſerve in [c] *Cæſar*, of the *Germans*, that *in pace nullus erat communis magiſtratus*; *ſed* Principes *Regionum atque pagorum inter ſuos jus dicebant, controverſiáſque minuebant*; and in *Tacitus* of them; *Eligebantur &* Principes *qui jura per pagos vicóſque reddebant. Centeni ſingulis ex Plebe* Comites *conſilium ſimul & auxilium aderant.* In theſe Paſſages they conceive [e] that the name of *Principes* was but as tranſlated out of the Dutch **die Furſten** (ſignifying *Princes*) at ſuch time as they had not ſo many titulary diſtinctions of Honour and Power as afterward. And in regard that the **Hertzogen** or Dukes were of a greater place in *Germany* than thoſe *Pagorum Principes* or **Furſten**, and the *Comites* or *Graves* of Territories, of a leſſe and ſubordinate to them, thence is it (ſay they) that even to this day the title of *Prince* with the addition of a Territory is leſs than that of **Hertzog**, and greater than **Grave** or *Count* in the Empire; whereas in other places of *Europe*, it is above that of Duke. *Hæc una eſt ratio* (ſaith *Cluverius*) *cur hodiéque* Ducis *dignitas in* Germania *ſuperior ſit ordine* Principum; *quum è diverſo aliis in gentibus Europæ*, Principalis *dignitas ſuperet* Ducalem. But the Authours of this Opinion would have the Original alſo of *Comes* and *Dux* in the Empire, deduced only out of *Germany*, and they interpret the words of *Cæſar* and *Tacitus*, to make them juſtifie as much. Of that matter enough is [f] already ſaid. And for this of *Princeps*; in regard, indeed, that **Furſt** and *Princeps* do exactly interpret one another, and both of them moſt naturally ſignifie an eſpecial eminency, it might ſeem, at leaſt as likely, that *Princeps* among the *Romans* (applied to *Germany*) interpreted **Furſt** as a Title there uſed before the *Romans* had to do with it, as that **Furſt** ſhould be afterward uſed in Dutch, to ſignifie that which the *Romans* called *Princeps*. But we are alſo ſure that *Princeps* was a Title of Honour in *Rome*, before either the Empire or the Name of the *Romans* came in-

c *De bell. Gallic. comm.6.*

d *De Morib. Germ.*

e Ph. Cluverius *German. li.1.cap.38, & 41.*

f §.22. *ſupra.*

to

The Empire.

to *Germany*. That appears in *Princeps Senatus* and *Princeps Juventutis*, beſides the application of it to the Emperours themſelves. And in the declining times alſo of the Empire, there were [g] *Principes agentium in rebus* for the chief Directours of Court proceedings and diſpatches in Civil Government; and the place of ſuch a *Princeps*, was called *Principatus honor* [h], and divers privileges alſo belonged to it. And ſuch of them as were under any great Governour of a Province (as the moſt of the great Governours or Lieutenants had of theſe *Principes* in their Courts) had alſo ſometimes the title of *Prince* of the ſame Province, as we ſee in the *Princeps Dalmatiarum* [i], under [k] the *Comes* or Lieutenant that governed there. And *Nicephorus Gregoras* expreſly; that in the time of *Conſtantine* [l] the Great, this of *Prince* was given with a Territorie. For he ſayes that this Emperor created a *Prince* of *Peloponneſus* Ὁ τῆς πελοποννήσου τὸ (ſaith he) ἀξίωμα τῦ Πρίγκιπος κεκλήρωτο, *The Governour of* Peloponneſus *had the honorary title of* Prince *given him*; whence it is alſo that in *Phranzes* [m] the title of Prince of *Peloponneſus* occurrs, as alſo of *Achaia*. And in the *Greek* Writers of the later Ages, the name of [n] πριγκιπάδες, πριγκίπισσα, πρίγκιπες, πρίγκιπι, *and for a Principality* πριγκιπάτον often occurr. So that there is uſe enough of the Title *Princeps*, both in the teſtimonies of old *Rome*, and in ſuch fragments of it as are left in the Writers of the *Greek* Empire, to warrant the Original of it out of *Rome*, and that it hath been ſince made a Feudal dignity by being annexed to a Territory as thoſe other of *Comes* and *Dux* alſo have been. For Nothing is clearer than that, ever ſince the Cuſtoms of the *Roman* Empire together with the Empire came into *Germany*, *Princeps* and **Furſt** have not only ſignified the ſame, but have literally been always taken for the ſame. But it is not ſo clear that the very literal title of **Furſt** was meant in *Tacitus* and *Cæſar*. For the word *Prince* might with them denote any other eminent Governour that had any other name or dignity beſide **Furſt**. And therefore the more certain deduction of it is out of the old *Roman* Empire where no man can doubt but that the word *Princeps* was a Title of Dignity. But it cannot be ſo cleared that the word **Furſt** was ſo in *Germany*, before this of *Princeps* came thither.

The Second acceptation of *Prince* is in the ſtiles of ſuch as being of the States of the Empire, have other titles and yet are called [o] *Princes* alſo, as by a title diſtinguiſhing them from ſuch as are not *Princes* in either of theſe two firſt notions. And it is thus attributed not only to the Electors (who are ſometimes ſtiled *Archi-principes* [p]) Dukes and others of their greateſt *Graves* that have thoſe addditions of **Pfaltz, Landt, Mark, Burg**, and to ſuch ordinary *Graves* as are made Princes, but to their Biſhops and ſome Abbots, Provoſts and Abbeſſes alſo by reaſon of their temporal Power. In this ſenſe is *Principes* uſed by *Linturius* [q] ſpeaking of the Lords that appeared at the *Diet at Wormes* in MCCCCXCV. under *Maximilian* the Firſt. *Principes*, ſaith he, *in propria perſona* XLV. *Comites verò ſine illis qui cum Principibus erant circiter* LXVII. *qui per ſe venerant*. Other like Paſſages are. And hence is it that we read that the *Principatus* or **Furſtenthumb** of the Abbey of *Lorſhem* near *Heydelberg* was transferred by the Emperour *Frederick* II. to the Archbiſhopriek of *Mentz*. *Nos conſiderantes* (ſaith the Emperour, as it is in *Trithemius* [r]) *tenuem ſtatum Eccleſiæ Lauriſſenſis ab honore & nomine* Principatus *proceſſu temporis collabentem, ut non minùs Imperio quam ſibi deficere videatur &c. Cum deliberatione & conſilio* Principum *de innata providentia & noſtræ gratia Majeſtatis, eundem* Principatum

g *C. de Princip. ag. in reb. & C. Theod. eod. tit. lib. 6. tit. 28.*

h *Videſis* Panciroll. *ad Notit. utramque cap. 9 & in Notit. Orientis cap. 103.*

i Caſſiodor. *lib. 1. form. 24.*

k Panciroll. *ad Notit. Occidentis cap. 64.*

l *Hiſt. Rom. lib. 7 pag. 166.*

m *Chronic. lib. 1. cap. 4.*

n *Conſule* Meurſ. *Gloſſ. Græcobarb. in* πρίγ.

o Paurmeiſt. *de Juriſdict. lib. 2. cap. 10. & 20, & 21.* Matth. Stephani *de Juriſdict. lib. 2. part. 1 cap. 6. §. 20. ad 53.*

p Goldaſt. *Conſtit. Imperial. tom 3. pag. 438. & Tom. 4. Concil. pag. 225. Edit. 1618.*

q *In Appendice ad Faſcic. Temp. ann. 1495.*

r *Chronico* Sponheimenſ. *ſub anno 1232. & in Appendice ad Annal. Germ. Edit. 1624. à* Marquardo Frehero.

Principatum *Eccleſiæ* Lauriſſenſis *cum omni honore, Vaſſallis, Miniſterialibus, Caſtris, Oppidis, proventibus, Juribus & pertinentiis ſuis ſicut ad nos & Imperium noſcitur pertinere, eidem* Moguntinæ *Eccleſiæ, dicto* Moguntino *Archiepiſcopo* (Siffrido) *& ſuis Succeſſoribus Imperiali autoritate in perpetuum donavimus & conceſſimus, & nominatum* Principem *noſtrum venerabilem Archiepiſcopum* Moguntinum *præſentibus* Principibus *ſolenniter inveſtimus ut eadem Eccleſia* Moguntina, *idem Archiepiſcopus* Moguntinus *& Succeſſores ejus à modo* Principatum *ipſum teneant & poſſideant & ad honorem noſtrum & Imperii illum foveant & conſervent, ſalvo jure quod inde debetur Imperio &c.* But for this title, ſee more anon in the Enumeration of the States of the Empire, where you ſhall find ſome *Landtgraves* and *Burggraves* as well as *Graves* that are not *Princes* in this ſenſe, and ſome other, Princes, or equal to Princes, and yet called only Lords or **Herren.**

The Third uſe of the title of *Prince* I find in [f] ſome expreſſions of the Lawyers of the Empire, where they devide the States. The States they ſay, conſiſt of three Parts, the *Electors*, the *Princes* and the *Free Cities.* And in the ſecond member, they include all whatſoever that have any voice in the **Reichſtag** or *Parliament of the Empire*, beſides the Electors, which yet no man doubts but are Princes alſo, and the greateſt. And they that have voice there are Barons, and all above Barons, or Lords equal to them. But whereas every Prince of the Electors hath his ſingle voice, the Counts and Barons in the Empire altogether have but two voices according to that bipartit diviſion of them into **Swabiſch** and **Wetterawiſch.** But this uſe of the title of Prince, is only in ſuch expreſſions of Writers; never in the ſtiles of any but thoſe that are above ordinary Counts. For the ſtiles of all ſuch Counts and Barons have the honorary inſcription, in their Titular Books, of **dem Wolgebornen Hern** without **Furſt,** that is, *Admodùm Generoſo Domino*, or *right generous Lord*, when others write to [t] them beſides the Emperour. And he writes **dem Edlen unſern unnd dez Reichs lieben getrewen**, N. or *to the Noble, beloved, and faithful both to us and the Empire.* N.

[f] Paurmeiſt. *lib.2.de Juriſd.cap.2.§. 21.& 22. Vide* Matth. Steph. *lib.2.part.1. cap.6.n.22. &c.*

[t] *Videſis Titular. Buch.& Nolden. Synopt.Tract.c.1. §.61.*

There is ſome example of another notion of Prince in the Conſtitutions of the Empire, much differing from any of theſe, as we ſee it in *Charles* V. his giving [u] his Son *Philip* then King of *England* all the Duchies, Marquiſats, Principalities, Counties (ſo they are reckoned) Baronies and other Poſſeſſions of the XVII. Provinces, and making him *Prince* and Lord of them. And alſo the Archducheſs in the King of *Spain*'s paſſing of them afterward to her [x] is called Lady and *Princeſs* of them. But the ſtile of theſe uſed by her, hath conſiſted only in the other particular Titles, as Archducheſs, Ducheſs, Marchioneſs, &c. But alſo for the name of *Prince* in *Germany*; this of *Matthias Stephani* is obſervable, which he takes indeed from the *Dutch* Gloſs on the **Sachſenſpiegel** [y] or old Laws of *Saxony. Inter ſtatus Imperii* (ſaith he; ſpeaking of [z] ſuch as are the Princes of the Empire in this third notion of our diviſion) *poſt* Imperatorem *&* Regem Romanorum *refero* Electores *tam Eccleſiaſticos quam Seculares itémque alios* Duces, Principes, Marchiones *&* Comites *qui realem habent adminiſtrationem ſuorum* Ducatum, Principatum *&c. & proprie dicuntur* Principes [a] Imperii. *Qui enim adminiſtratione deſtituuntur & territorium non habent, illi* habent *quidem jura* Principis *perſonalia, at jura realia, ſeu territorialia non item. Dici enim de aliquo requirit ineſſe. Et dicuntur ejuſmodi* Principes

[u] 25. *Octob.* Goldaſt. *Conſtit.Imp.r.tom. 1.pag.585.*

[x] *Les Eſtats, Empires &c. à Paris 1613. pag.351.*

[y] *Add lib.3.tit 58.*

[z] *Lib.2.de Juriſd part.1. cap.7.§.23.*

[a] *Vide eum lib. 2.part.2.cap. 6.§ 50.ubi etjam habet verba gloſſæ. Speculi Saxonici Teutonicè quæ fuſiùs rem explicant.*

The Empire.

Principes *absque administratione* Domicelli. *In jure Saxonico vocantur* Schlechte Fursten, *item* Fursten Genossen.

LIV. For that great title of *Elector*, which is in the three Archbishops of *Mentz*, *Triers* and *Cologne*, and in the King of *Boheme*, the *Pfaltzgrave* of the *Rhine*, the Duke of *Saxe*, and the Marques of *Brandenburg*; the nature of it is well enough known out of the Election of the Emperour, and especially from the Golden Bull of *Charles* IV. The Original of it hath been variously delivered; some attributing it to Pope *Gregory* V. and *Otho* III. Others to *Gregory* X. And the Discourses of it in *Baronius*, *Schardius*, *Knichen*, *Onuphrius*, *Goldastus*, *Binius*, *Cubachius*, and others of less name, are obvious enough. Neither will I here dispute it after them. Nor if I should, could I make a better conclusion than some Lawyers [b] of the Empire that esteem all such opinions as place the original of the Princes Electors in this or that particular time, to be grounded only upon meer conjectures, without warrant enough to make a clear inference; and that the truth is, there is no kind of other certainty of it than thus, that by a tacit consent of the States and of the Empire (since it came into *Germany*) this *Septemviral* Election hath been received, and that so the dignity of Electorship hath been setled by the same consent upon those three Ecclesiastical and four Secular Princes. But when or at what time this was first so received, is not delivered in any testimony that is certain enough to decide the controversie.

b Paurmeist. *de Jurisdict. lib. 2. cap. 2. §. 38.* Petr. Fritz. *de Nobilit. ad Consul. 18. lit. d.*

LV. For those other two titles of *Capitanei* and *Valvasores*; *Capitaneus* is taken either properly or improperly. Properly taken, in the Feudal customs of *Lombardy*, it comprehensively denotes *Counts* and all above *Counts* that have Feudal dignities immediately derived from the Sovereign. The Text of the Feuds is, [c] *Dux Marchio & Comes feudum dare possunt, qui propriè regni vel Regis* Capitanei *dicuntur*. Improperly taken and with a special restraint, it signifies such as being neither Dukes, Marques nor Counts, are invested, either by the Sovereign, or by some Duke, Marques or Count, or some State that hath power by infeudation to invest, of some Territory or Feudal command, or *qui* [d] *de plebe aliqua vel plebis parte per feudum sunt investiti*. These are also *Capitanei*, but improperly. For all such as have none of those greater titles, and yet have have any such Territories or commands immediately from either the Sovereign or from any of them which have of those greater titles, were more properly according to the *Lombard* customs, *Valvasores majores*, [e] or the great *Valvasours*, or *Valvasores Regis*. And they were (if at least immediate to the Sovereign) the same with the Barons or Freeheren of the Empire. But the better division antiently of Feudal dignities among the *Lombards* was generally into *Capitanei* and *Valvasores*, the first comprehending all those great Titles, the other all such as had Territory and Jurisdiction by Feudal right without those Titles. So it appears clearly in *Otho* [f] *Frisingensis*. The Original of the word *Capitanei* is plain enough; the signification literally being but as in the common notion. It occurrs also often in *Petrus de Vineis*, and the abstract of it is [g] *Capetania* with him. And as *Dux* and *Comes* came to be annext to Feuds, so did this of *Capitaneus* in *Lombardy*. But for *Valvasor*, it is not so clear whence it came or what it literally denotes. Some would have it *à valvis*; and originations of that kind are too often rashly admitted. But I have not yet understood any other derivation of it that is at all like a truth beside *Hotoman*'s and those that follow him, when they conceive it to be made of

c *Lib. 1. tit. 1.*

d *Feud. lib. 2. tit. 10. & ibid.* Cuiacius & *videsis* Hotoman. *disp. Feud. cap. 3. &* Sigon. *Hist. de Regno Ital. lib. 7.*

e *Ibid. & lib. 1. ti. 14. &* de Valvasoribus *videsis* Legg. Subaudiæ *lib. 5. cap. 4. Augusta Taur.* 1588.

f *De gest.* Fred. 1. *lib. 2. cap. 13.*

g *Lib. 6. Epist. 22.*

Vassus,

Vaſſus, or *Vaſſallus*, as *Valvaſini* alſo. But how made of *Vaſſus* or *Vaſſallus*, they tell us not. Nor is it worth a further enquiry. And of the Feudal dignities of the Empire, and of the names of Feudal dignities, which are alſo ſometimes made perſonal, hitherto. And we come to the title of **Ritter geſchlagen**, or as, we ſay, a dubbed Knight, which is meerly perſonal. *The Empire.*

LVI. The nature of a **Ritter geſchlagen**, a dubbed Knight or the Knight of the Spurr there, is as with us. Nor is the Ceremony of making him at this day (for ought I know) different from ours. Regularly the perſon to be honoured kneels, and the Emperour's gentle ſtriking him (for the laying on the Sword is rather to be called a ſtroke, and not a touching or laying it on, as in vulgar ſpeech; and it was, in elder times, a plain ſtroke; **Geſchlagen** ſignifying but as *percuſſus*) and the pronouncing of him to be a Knight, creates him. And ſometimes the pronouncing only without any uſe of the Sword (at leaſt any ſuch particular uſe of it, as that it toucht thoſe which are created) goes for a ſufficient Creation. As in that example of *Charles* V. who upon his Victory againſt *Frederick* Duke of *Saxony*, created many Knights together, only by pronouncing that they ſhould be *todos* [h] *Caballeros*, or *all Knights*. Touching this dignity (which never was extended beyond the perſon created) we obſerve ſpecially the antient Law of the Empire that appointed who ſhould be capable of it, the *Privileges* belonging to it, the *Original* of it, the *Ceremonies* that anticently were uſed in conferring it, and the *Perſons that give it*. None was capable of this dignity, by a Conſtitution of *Frederick* II. (which is alſo attributed [i] to *Conrad* IV.) but he that was diſcended from one that was *Miles*, which I interpret a *Gentleman* or *Nobilis*, and not a Knight. For **Ritter** and *Miles* often ſignifie in the old Feudal Law of the Empire, a Gentleman, as the word Gentleman is ſignified in *Nobilis*, and not a dubbed Knight or **Ritter geſchlagen**, which is interpreted by *Miles fictus*, or *cingulo militari donatus*; as with us in *England*, *qui ſuſcepit Ordinem Militæ*, is the dubbed Knight, and him generally we call a Knight; yet alſo the word *Milites* denotes *Gentlemen*, or great Free-holders of the Country alſo. And they are called Knights in our Laws that concern either choice of Coroners or of Knights of the Parliament, although they be no created Knights. And thence it is that the Gentry of the Empire generally is called the **Ritterſchaft**, as if you would ſay *Militia*, whereas yet none is a **Ritter** in that ſenſe, as *Eques auratus*, or *Cingulo Militiæ donatus* denotes it, but he that is Knighted, or in *Ordinem Militarem cooptatus*. The Conſtitution we ſpeak of is remembered in a diſpenſation to one that was to be made a Knight, his Anceſtours [k] having not been Gentlemen.

h *Mennen. Delic. Equeſt. p.* 20.

i Goldaſt. *Conſtit. tom.* 3. *pag.* 398.

k Petr. *de Vineis lib.* 6. *Epiſt.* 17. *& vide ſis Conſtit.* Frederic. *de pace tenenda apud* Hotoman. *de Feud. diſput. cap.* 5.

NOtum facimus (ſaith the Emperour) *univerſis, quod* A. *de* N. *Majeſtati noſtræ humiliter ſupplicavit, ut cum fieri velit* Miles, *& pater ſuus* Miles *non eſſet, ſibi exinde largiri licentiam dignaremur. Nos autem ut fidei ſuæ meritum, & ſuorum, per Imperialis gratiæ præmium imperialiter compenſemus, ſupplicationibus ipſius benignius inclinati, de poteſtatis noſtræ plenitudine ſibi concedimus poteſtatem,*

The Empire.

quod quanquam pater ſuus Miles *non fuerit, & noſtris conſtitutionibus caveatur, quod* Milites *fieri nequeant, qui de genere* Militum *non naſcuntur, ipſe tamen de culminis noſtri licentia decorari valeat* Cingulo Militari; *mandantes, quatenus nullus ſit, qui ipſum ſuper hoc de cætero moleſtare vel impedire valeat aut præſumat.*

But *Goldaſtus* underſtands it, as if this were a Creation of a Knight by Patent. For the title in him to it is, *De Cingulo Militari per Principem concedendo.* To this may be added that which is by ſome remembered out of an old Conſtitution in the Records of *Lovaine*[l] that none ſhould receive this Dignity unleſs he had ſerved thrice in the Warrs.

l *Vide* Mennen. *delic Equeſt. & Ipſ. Lovan. lib. 3.*

LVII. For the Privileges of theſe Knights; whereas by the old Imperial Laws, divers Privileges in making of Teſtaments, it being free from impriſonment, and ſuch more (which are collected by divers Lawyers, but eſpecially by *Claudius Coteræus* in his *de Privilegiis Militum*) were due to thoſe that were truly *Milites*, and ſerved in the Warrs, being thereto choſen and ſworn with ſolemnity, as appears, in *Polybius*, *Vegetius*, and other good Authours that deſcribe the *Militia Romana*; it hath been a queſtion among ſome great Doctours, whether all or any of thoſe Privileges belong now to Knights made in the Empire; Knights, that being *Equites aurati* (and called ſo from their gilt Spurrs, which they were wont to have put on at their Creation) are alſo known and expreſt by the name of *Milites facti*, or in *Ordinem Militarem cooptati.* If they lived in the Warrs, and were truly *Milites* by their ſervice, there were (ſay[m] they) no doubt of it. And ſome alſo[n], expreſly, that they ought not to be impriſoned for Debt, nor put to torture, by reaſon of their dignity. But in regard this dignity thus conferred doth not make them a part of an Army, nor hath any Martial Employment annext to it, the moſt common opinion is that they have no right to any of thoſe antient Privileges. *Soli namque hi qui pro tutela Romani Imperii militant, privilegiis Militum digni habentur; alii non habentur,* ſaith *Zoannettus.* And *hinc eſt,* ſaith he further, *quod à* Cæſare *creatis Militibus auratis quos armatæ militiæ non incumbere conſtat, prærogativæ Militares eo ſolo nomine nequaquam debentur, ſecundum veram, communem & receptiſſimam Doctorum omnium ſententiam*, and to that purpoſe he uſes divers Authorities taken from the Doctours. But that privilege antiently granted to all Knights within the Marquiſate of *Namurs* is obſervable in this place; That there ſhould be no more paid to the Marqueſs, the beſt of a Knights Chattels upon his death, or *melius mobile quod quidem melius cathelum dicitur*, as the words are in *Philip* Marqueſs of *Namurs* his grant of it in MCCXII. He did it, *conſuetudines quaſdam indecentes, quas contra* honorem Militarem *injuſtè uſurpaverat, iniquas eſſe decernens*, as the Charter alſo ſaies.

m *Vide* Tiraquell. *de Nobilitate.* & Petr. Bellugam *Spec. Ilinc. Rubric.* 20. §. 8.

n Bald. *ad l. 1. C. tit. Qui bonis cedere poſſint, & videſis* Fr. Zoannet. *tract. de Imperio Romano* §. 68. *& ſeq. &* 77.

o *Apud Aubert. Miræum in Diplom. Belgic. tom. 2. cap* 67. p *Epiſt. ad Sylvar. 4. De Militiis vero &* Militum *apud Romanos generibus præter eos, qui de ea re volumina conſcripſere, eaque ſatis trita, videſis* Lud. Charondam, Pithanon. *lib. 1. c. 14.*

LVIII. The Original of theſe Knights in the Empire is not to be drawn out of the uſe of old *Rome*, where the *Equeſtris Ordo*, or the *Ordo Secundus* (as *Statius*[p] calls it) conſiſted of ſuch as were *Equites.* They antiently had their rank only from their *Cenſus Equeſtris* and the Cenſors choice or allowance of them. And ſome ſimilitude, indeed, is between

between [q] them and the dubbed Knights of the Empire and of other States, in regard that as those of old *Rome* had relation to the Senate, as the next ranks to them, so these to the Lords of several States. But neither the Censors choice, nor the *Census Equestris* (which was about MMMXXV pounds of our money) nor their *jus aureorum annulorum* had ever any place in these Knights. And though in *England* especially (as is hereafter shewed) and in some other places, there be from antient time a kind of *Census Equestris*, yet it is without any colour of relation to that of old *Rome*. Sometimes also in the declining Ages a whole Corporation had the dignity of the *Ordo Equestris* given them in *Rome* by the Emperour's rescript, as we see in that to the *Navicularii*, [r] or such as had the care of shipping for publick provision, which agrees with nothing that belongs to the solemn giving of it as it hath been a dignity since the *French* Empire began. Nor can this dignity have any Original in the *Milites* or Souldiers of the old Empire; although they had their *Cingulum & Sacramentum* also, and the addition of *Miles* often, and *Juratus Miles* [s] sometimes, occurr in those elder times, in such sort as *Miles* at this day for a Knight. But these things were common to all Souldiers. There is also in *Julian*'s Epistles a Grant from him to *Leontius*, that he might use Arms: τῶ σῷ ὅπλων χρῆσιν, are the words. But the Original of this kind of Knights is not perhaps to be deduced from any other than *Germans*, and the Customs exercised among the *Germans* and other warlike Nations of the North. Their use was, in Publick Assemblies by a solemn giving a Launce or Target to conferr such a kind of honour. And this was done sometimes by some Prince of the State, sometimes by a Father or Kinsman. *Tacitus* is a witness of it. *Nihil* (saith [t] he) *neque publicæ neque privatæ rei nisi armati agunt. Sed arma sumere, non ante cuiquam moris, quam Civitas suffecturum probaverit. Tum in ipso concilio vel Principum aliquis, vel Pater vel Propinquus*, Scuto frameáque *juvenem ornant. Hæc apud illos Toga, hic* primus juventæ honos. *Ante hoc domus pars videntur; mox Reipublicæ.* Of this nature also was that course of adoption *per arma*, which *Theodoricus* King of the *East Goths* in *Italy*, used to the King of the *Heruli*. For as in later Ages, so then also, one Prince received the dignity of another. The Charter of that adoption is yet extant.

The Empire.

[q] *Videsis* Bud. *ad L. fin. ff. de Senatoribus.*

[r] C. Theod. *lib.* 13. *tit.* 5. *l.* 16.

[s] *Cod.* Gregor. *lib.* 13. *tit.* 1.

[t] *In Germania; & videsis* Avent. *in Annal.* Boiorum *lib.* 6. *ubi* Ludovicum *Ducem* Boiorum *armis militaribus donat* Fredericus *Imperator.*

PEr arma fieri posse filium (saith [u] *Theodoricus*) *grande inter gentes constat esse præconium. Quia non est dignus adoptari nisi qui fortissimus meretur agnosci. In sobole frequenter fallimur. Ignavi autem esse nesciunt quos judicia pepererunt. Hi enim gratiam non de natura sed de solis meritis habent. Quam vinculo animi obligantur extranei, & tanta in hoc actu vis est, ut priùs se velint mori, quàm aliquid asperum patribus videantur infligi. Et ideo more gentium & conditione virili, filium te præsenti munere procreamus, ut competenter* per arma nascaris *qui bellicosus esse dignosceris. Damus quidem tibi* Equos, Enses, Clypeos, & reliqua instrumenta bellorum, *sed quæ sunt omnimodis fortiora, largimur tibi nostra judicia. Summus enim inter gentes esse crederis, qui*

[u] Cassiodor. *Var. lib.* 4. *For.* 2. *& videsis* Olaum *Magnum Hist. Septen. lib.* 8. *cap.* 5, 6, 9, & 10.

The Empire.

Theodorici *ſententia comprobaris.* Sume *itaq;* arma, *mihi tibiq; profutura. Ille à te devotionem petit, qui te magis defenſare diſponit; probat tuum animum & opus non habebit obſequium. Adoptat te talis, de cujus gente tu potius formideris. Nota ſunt enim* Herulis Gothorum, *Deo juvante, ſolatia. Nos arma tibi dedimus: gentes autem olim virtutum pignora præſtiterunt. Salutantes proinde gratia competenti, reliqua per illum & illum Legatos noſtros patrio ſermone mandamus; qui vobis literas noſtras evidenter exponant, & ad confirmandam gratiam, quæ ſunt dicenda ſubjungant.*

Thus was *Eutherique* father to *Athalarique*, King of the Eaſt *Goths*, [r] *factus per arma filius*, by *Juſtinian*, and another example of it is remembred [r] in *Caſſiodore*. Neither was this *adoptio per arma*, any thing elſe but a publication of the Princes judgment touching the perſon ſo adopted, and his ſolemn confirmation of him, under the name of his Son, thus to bear and uſe Arms. For it had no ſuch matter in it as the giving any hope of ſucceſſion or making any civil adgnation between them, as that Adoption which was in uſe in old *Rome* had. A ſingular example to that purpoſe is in *Procopius*, where [t] *Cabades* King of *Perſia* by Embaſſadours importuned *Juſtin* the elder to adopt his Son *Coſroes*, which *Juſtin* was inconſiderately ready enough to do according to the *Roman* faſhion, until his Chancellor *Proclus* admoniſhed him, that an adoption done according to theſe Laws of *Rome*, gave alſo a right of ſucceſſion which might ſo prevent his Nephew *Juſtinian* whom he had before deſigned for his ſucceſſour. Therefore *Proclus* adviſed him, that to ſatisfie the deſire of *Cabades* and yet to ſave the ſucceſſion as he had already deſigned it, he ſhould return an anſwer that he would adopt him after the faſhion uſed among the barbarous Nations, but not according to the Laws of *Rome*, ὃπ δὴ (as *Procopius* his words are) ὡς βαρβάρῳ προσήκει, δηλονότι, ὃ γράμμασιν οἱ βάρβαροι τοὺς παῖδας ποιοῦνται ἀλλ' ὅπλων σκιᾷ, *That it ſhould be done after the cuſtom of the Barbarous Nations that did not adopt Sons by writing, but by Armes.* And this anſwer being return'd, the *Perſian* (whoſe purpoſe indeed was to have gain'd to his Son an expectancy of ſucceſſion in the *Roman* Empire) received it rather as a ſcorn put upon him than for any ſatisfaction. It being clear Law among thoſe Nations that uſed this Adoption by Arms, that no hope of ſucceſſion could come of it. Neither can I conceive, that the Phraſe *à Rege gentis exteræ arma ſuſcipere*, uſed by *Paul Wernfred*, where he ſpeaks of *Alboin*, Son to *Andoin*, King of the *Lombards*, that went to *Turiſend* to receive a Knighthood, ſignifies otherwiſe than *per arma adoptari.* And in thoſe elder times, both thoſe phraſes, and εἰσποιεῖσθαι ὡς βαρβάρῳ προσήκει, *or to be adopted after the barbarous cuſtom* (that is, the cuſtom of the Northern Nations) were of the ſame ſenſe. From this uſe of thoſe Northern Nations came the faſhion of Knighting into the Empire, which under *Charles* the Great, and after him conſiſted of none elſe but of thoſe Northern, or of ſuch as had upon their incurſions been mixt with them, and ſo received moſt of their cuſtoms. For the girding with the Sword, putting on Spurs and the like, which made up but an *adoptio per arma*, have

r Caſſiodor. *Var.8.form.1.*
f *Var.8.form.9*
t *Perſicorum a. pag.16.*
u *De geſt. Longobardorum lib.1 cap.23. & 24.*

have been often uſed in giving this dignity both in the Empire and elſewhere among the poſterity of theſe Nations. The antienteſt uſe of it as an addition of honour in the *German* Empire, that I have obſerved, is in the Subſcriptions to *Lietbert* Biſhop of *Cambray* his Charter of foundation of the Abbey of *S. Sepulchers* there. In them we read, *Signum Chriſtiani Militis*, *S. Johannis Militis*, *S. alterius Joannis Militis*, *Signum Herisberti Militis*, and ſuch more. It is of the year MLXIV. *The Empire.*

LIX. But although the Original be thence taken, wherein the giving of Arms is the chief Ceremony of Creation, which in the later times (as at this day) became to be for the moſt part the gentle ſtroak of a Sword with the atteſtation of the Emperor, by a ſolemn pronouncing the perſon honour'd to be a Knight; yet the Ceremonies in the times that intercede this Original, and the later ages, have been various. The ſolemnity of girding, a blow on the neck, putting on Spurrs, and divers holy Ceremonies alſo are found in good teſtimonies, that concern this dignity in the Empire. And ſometimes an Oath taken, touching which, more alſo in the next Chapter. *Charles* the Great in his Conſtitutions (as they are pretended) made for the State of *Friſland*, ordains that the Governour there, by girding with a Sword, and ſtriking the perſon created on the ear (as the cuſtom then was) ſhould make Knights and give them alſo an Enſign of their Knighthood with the Imperial Crown pictured on it, which ſhews the uſe in that age. ——*Statuimus* (ſo are the words) *ut ſi quis ex ipſis ſuſtentationem habuerint vel militare voluerint, dicta poteſtas* (ſo was the Governours title, as *Podeſta* in *Italy*) *Sicut conſuetudinis eſt*, manu colapho, *ſic* Milites *faciat, eiſdémq; firmiter injungendo præcipiat : ut deinceps more* Militum Sacri Imperii *aut regni Franciæ armati incedant ; eo quod conſideramus ſi prædicti Friſones ſecundum ſtaturam corporis & formam eis à Deo & natura datam ſic militaverint, cunctis in orbe terrarum militibus, ſua fortitudine, ingenio & audacia (dummodò ut prædictum eſt ſint armati) facilè præcellent & prævalebunt. Qui Friſones ſignum ſuæ Militiæ à dicta poteſtate recipere debent in quo* Corona Imperialis *in ſignum ſuæ libertatis à nobis conceſſæ debeat eſſe depicta, &c. Datum* Romæ *in Lateranenſi Palatio Anno Dominicæ Incarnationis* DCCCII. In the teſtimonies that occurr in the Story of the following times, the making of Knights is often remembred, but rarely with more particular expreſſion of Ceremony than the Girding. As, *Frederique* the firſt held a Feaſt at *Mentz*, *Ut filium ſuum* (ſaith [y] *Arnoldus Lubecenſis*) Henricum *Regem Militem declararet, & Gladium ſuper femur ejus potentiſſimum accingeret.* So the Embaſſadors of the Eaſtern Empire in like words importuned the ſame Emperor to Knight *Frederick* Duke of *Swaben. In præſentia ſua* (the words of [z] *Radevicus*) *gladio accingi & Militem profiteri poſtulant & impetrant.*

[x] Hanconius *de reb. Friſ. & ap.* Franc. Mennen. *in Delic. Equeſt. pag. 7. & apud* Favin. *in Theat. Honoris lib. 3. pag. 529.*

[y] *Hiſt. Sclav. 3. cap. 9.*

[z] *De geſt. Frederici I. lib. 1. cap. 6.*

——*Ut Princeps puerum, præſentibus illis,*
Accingi Gladio Fredericum *rite juberet,*

ſaith * *Guntherus*. Divers like paſſages are in the Writers of the Empire. But the blow on the ear or cheek was alſo (it ſeems) in uſe for the moſt common Ceremony, and is ſupplied, it ſeems, or meant by the ſtroke with the Sword. For *John de Beka* [a] a Canon of *Utrecht* that

* *De vita Ævobabi. lib. 6.*

[a] *Hiſt. Epiſc. Ultraject. p. 65*

The Empire.

that wrote above CC years paſt, ſpeaking of the uſe of his age ſays, that although other Solemnities were omitted, yet that was then uſed. *Plerique Milites moderno tempore* (ſaith he) *parcimoniis intendentes, omiſſis ſumptuoſis ſolennitatibus, ſaltem* per colaphum, *Militarem dignitatem accipiunt. Ideóq; multi regulam ejuſdem ordinis ignorantes, debitè militare neſciunt*, whereupon he relates the antienter and ſolemn form by which the Order of Knighthood was given to *William Grave* of *Holland*, when he was choſen Emperor in MCCLXXII. whereof more preſently. And therein alſo the ſtroke on the ear or neck was uſed. But in that example of the Emperor *Sigiſmund* his knighting *Signel* a *French* Gentleman in *France*, beſide the ſtroke with the Sword, and the girding, his giving him one of his gilt Spurrs is [b] remember'd. Where obſerve, by the way, this power of Knighting exerciſed by one Prince in the Territory of another, and that juſtly (as it was conceived) *quia ex jure conſultorum ſententia* (ſays *du Tillet*) *Equites ubiq; & in Imperio & in alieno dominatu inſtitui poſſunt.* But alſo ofttimes Knights have been created in the Empire by the Emperors Letters Patents. *Cum his temporibus* (ſaith [c] *Petrus Calefatus* a Profeſſor of Law at *Piſa*) *Ordo Senatorius urbis Romæ non inveniatur, ſequitur ut hodie primum ordinem in Civitatibus* (*excepta Venetiarum urbe*) *tenere videatur Equeſtris dignitas, quam Imperator his verbis, codicillis ſuis, concedere ſolet.* Then he thus adds the form.

b Till. *de reb. Gallic. lib.* 2. Mennen. *Delic. Equeſt. pag.* 22. *Videſis* Nolden. *Synopſ. Tractat. cap* 2. *pag.* 190.

c *Lib de Equeſtri dignitate, &c.*

TE N. *præſenti noſtro edicto et de plenitudine noſtræ Cæſareæ poteſtatis* Militem *ſive* Equitem auratum *facimus et creamus ac titulo ac dignitate Militari decoramus et ad ſtatum et ordinem Militarem aſſumimus.* Militaris *quoque* Cinguli *et Baltei decore faſcibúſq; et ſtemmate* Auratæ Militiæ *inſignivimus et fortitudinis Gladio accingimus ac aliorum Militum numero et conſortio clementer aſcribimus et aggregamus, volentes et decernentes quod deinceps ubiq; locorum et terrarum pro vero Milite habearis & honoreris poſſiſq; & debeas pro hujuſmodi ſuſceptæ dignitatis ornamento* torquibus, gladiis, veſtibus, phalaris ſeu equorum ornamentis aureis *cæteríſq; omnibus & ſingulis Privilegiis, Gratiis, dignitatibus & Franchiſiis uti, frui, & gaudere, quibus viri ſtrenui per nos* ſtricto enſe facti & creati Milites *utuntur, fruuntur & gaudent & etiam admitti ad quæ illi admituntur quomodolibet de conſuetudine vel de Jure.*

Sometimes alſo, giving a Shield and the putting on a Helm were antiently added to the Ceremony, as *Goldaſtus* obſerves upon ſome old Dutch Poets. *Nobilium quondam filii* (ſaith [d] he) *appenſione Scuti, Galeæ impoſitione & accinctione enſis in Equeſtrem dignitatem lecti.* Theſe Ceremonies were done by the Emperors themſelves (for the moſt part) to their ſubjects, when they Knighted them; but by ſome great Biſhops to the Emperors when they themſelves took the dignity. *Henry* III. *per* [e] *conceſſionem Archiepiſcopi Bremenſis primùm ſe arma bellica ſuccinxit Goſlariæ.* And to this purpoſe *Hotoman* delivers his general obſervation;

d *Ad* Winsbek. *Poet. German. pag.* 402.

e Lamb. Schafnaburg. *in Chronico.*

vation; *Dandæ Militiæ ritus* (as his [f] words are) *feudistico quidem instituto hic fuit, ut siquidem Imperator in Militarem ordinem cooptandus esset, tum Episcopi aliquot solenni precatione adhibitâ Cingulum ei cum Gladio apponerent; sin autem alius, ipse Imperator.* *The Empire.*

[f] *Disp. de feud. cap. 5.*

LX. But for the Ceremonies in the Emperors Receiving this dignity; this example of *William* Earl of *Holland*, the *Anti-Cæsar* to *Conrad* IV. is most observable.

Regula Militaris Ordinis præscripta *Willielmo*, cum in *Regem Romanorum* [g] eligeretur à Principibus Imperii in Comitiis Colonienſibus, *An. Domini.* MCCXLVII.

[g] Goldast. *Constit. Tom. 2. pag. 400. Meminere hujusce formulæ* Snous *hist. Batav. li. 7* Dempsterus *li. 3. de Juramento cap. 19.* Menenius *in Deliciis Equestribus pag. 8. & vide potissimum* Joannem de Beka *in Episcopp. ultrajectinis pag. 65. ubi de* Ottone 3. *Episcopo agit*

QUoniam Wilhelmus *designatus* Romanorum Rex *adolescens est* Armiger, *visum nobis est, ut cum festinatione præparentur omnia, quæcunque sunt necessaria, ut secundum ritum Christicolarum Imperatorum* Miles *fieret, antequam* Aquisgrani *diadema Regni susciperet, & ut secundum Christianam institutionem* Miles *effectus, & Regulam Militaris Ordinis professus, ex eo disceret, cujusmodi jugum in ordine suo susceperit, & quale votum in processione suæ Regulæ emiserit. Itaq; ex consensu nostro, præparatis in Ecclesia* Colonienſi *omnibus, post Evangelium solemnis Missæ, prædictus* Wilhelmus Armiger *coram Cardinale Apostolicæ Sedis Legato productus est per Regem* Bohemiæ, *dicentem in hunc modum:* Vestræ reverentiæ, Pater almiflue, præsentamus hunc electum *Armigerum*, devotissime supplicantes, ut vestra paternitas votivam ejus professionem suscipiat, quo Militari nostro collegio dignè ascribi possit. *Dominus autem Cardinalis in Pontificalibus assistens ornamentis, eidem* Armigero *dixit secundum Etymologiam ejusdem nominis, quod est* Miles: Oportet *ait*, unumquemq; militare volentem, esse magnanimum, ingenuum, largifluum, egregium & strenuum: magnanimum quidem in adversitate, ingenuum in consanguinitate, largifluum in honestate, egregium in Curialitate, & strenuum in virili probitate. Sed antequam votum tuæ professionis facias, cum matura deliberatione jugum regulæ prius audias.

Ista itaq; *regula* est *Militaris Ordinis*. Inprimis cum devota recordatione Dominicæ passionis Missam quotidie audire; pro fide Catholica corpus audacter exponere, sanctam Ecclesi-

The Empire.

Ecclesiam cum ministris ejus à quibuscunq; grassatoribus liberare; viduas, pupillos ac orphanos in eorum necessitate protegere; injusta bella vitare; iniqua stipendia renuere; pro liberatione cujuslibet innocentis duellum inire; Imperatori *Romanorum*, seu ejus patricio reverenter in temporalibus obedire; Rempublicam illibatam in vigore suo permittere; bona feudalia Regni vel Imperii nequaquam alienare, ac irreprehensibiliter apud Deum & homines in hoc mundo vivere. Hæc statuta Militaris regulæ si devotè custodieris, & pro virili diligenter adimpleveris, scias temporalem te honorem in terris, & post hanc vitam requiem æternam in Cœlis mereri.

Quibus expletis, Dominus Cardinalis conjunctas manus ejusdem Tyronis clausit in Missali, supra lectum Evangelium ita dicens: Vis ergo Militarem Ordinem in Nomine Domini devotè suscipere, & regulam tibi verbotenus explicatam, quantum potes, perficere? *Cui respondit* Armiger, volo. *Et tunc Dominus Cardinalis subsequentem professionem*, Armigero *dedit, quam idem* Armiger *palam omnibus in hunc modum legit.* Ego *Wilhelmus* Comes *Hollandiæ*, Militiæ princeps, Sacriq; Imperii Vasallus liber, jurando profiteor regulæ Militaris observantiam, in presentia Domini mei *Petri*, ad Velum Aureum Diaconi Cardinalis, & Apostolicæ sedis Legati, per hoc sacrosanctum Euangelium, quod manu tango. *Cui Cardinalis*: Hæc devota professio peccatorum tuorum sit vera remissio, Amen. *Istis itaque dictis, Rex* Bohemiæ *ictum impegit in collum Tyronis ita dicens*: Ad honorem Dei omnipotentis, te *Militem* ordino, ac in nostrum Collegium graranter accipio. Sed memento, quoniam servator mundi, coram *Anna* Pontifice pro te colophisatus & illusus coram *Pilato* præside, & flagellis cæsus, ac spinis coronatus, coram *Herode* Rege chlamide vestitus & derisus, & coram omni populo nudus & vulneratus, in cruce suspensus est, cujus opprobria meminisse te suadeo, cujus crucem acceptare te consulo, cujus etiam mortem ulcisci te moneo.

Quibus ita solenniter adimpletis novus Tyro post dictam Missam cum stridentibus buccinis, perstrepentibus tympanis, et tinnientibus cymbalis contra filium Regis Bohemiæ *tribus vicibus concurrit in hastiludio, & exinde, cum gladiis enitentibus, dimicationis tyrocinium fecit.*

Erant autem ei eadem sua electione & Curia Præsentes.
Petrus *Caputii, Cardinalis Legatúsq; sedis Apostolicæ.*
Rex Bohemiæ *cum filiis suis.*

Arnol-

Arnoldus *de* Ilenborch, *Archiepiſcopus* Trevirenſis. *The Empire.*
Conradus *de* Hoyſtaden, *Archiepiſcopus* Colonienſis.
Gerhardus, *Archiepiſcopus* Moguntinenſis.
Henricus *de* Geldria, *Electus* Leodienſis.
Otto *de* Hollandia, *Epiſcopus* Trajectenſis.
Cum novem aliis Archiepiſcopis & Epiſcopis. Marchio Brandenburgenſis, *cum pluribus Ducibus & Marchionibus & Vaſallis Imperii.*

Thus ſometimes before the Coronation, ſometimes afterward, the Emperor as other Kings, took this dignity, wherein the eſtimation of it is moſt remarkable. And *ad Notitiam veſtram perducimus* (ſaith *Conrad* King of the *Romans*, in his Edict [h] for the time of his Knighthood directed to thoſe of *Palermo*) *quod licet ex generoſitate ſanguinis, qua nos à primis componentibus naturæ decoravit & ex dignitatis officio, qua duorum Regnorum nos in ſolio gratia divina præfecit, nobis militaris honoris auſpicia non deeſſent, quia tamen* Militiæ Cingulum, *quod reverenda ſancivit antiquitas, nondum Serenitas noſtra ſuſceperat, die præſentis menſis Auguſti, cum ſolennitate tyrocinii, latus noſtrum elegimus decorandum, ut ex hoc ætatis noſtræ victorioſæ floriditas ſigna majoris ſtrenuitatis indueret, & originalis nobilitatis gratiam renovaret novæ Militiæ claritudo. Qua etiam die, ut honoris noſtri ſolennia dignis militantium ſtudiorum titulis ornaremus, præter celebrata magnificæ feſtivitatis, quæ tanti boni jocunditas, & perſonæ noſtræ magnificentia requirebat, ad locum victorioſi exercitus noſtri caſtra perduximus, & abunde ſub fœlicitatis futuræ præſagio, pace data, plene fidelibus contra hoſtes noſtros continuatis greſſibus procedamus.* And for the great eſtimation of this dignity in the Empire; I obſerve alſo thoſe words of *Giovanno Selino*, as they are cited by *Alfonſo Cecarelli* in his Hiſtory *di caſa Monaldeſca*; Conradus *Imperator decoravit illuſtriſſimam domum* de Monaldis *aurea Equeſtri dignitate quæ ſumma omnium dignitatum eſt in Imperiali Palatio, & vocavit eam collateralem Imperii.*

[h] Goldaſt. *eod. Tomo pag.* 405.

LXI. There is alſo in the *Pontificale Romanum* this form preſcribed for the Creation of a Knight.

De Benedictione novi Militis.

MIles creari & benedici poteſt quacumque die, loco, & hora; ſed ſi inter *Miſſarum* ſolennia creandus eſt, Pontifex in eo habitu, in quo *Miſſam* celebravit, aut illi interfuit, in faldiſtorio ante medium Altaris, ſtans, vel ſedens, prout convenit, finita *Miſſa*, id peragit. Si autem extra divina, in ſtola ſupra *Rochetum*, vel ſi ſit regularis, ſupra ſuperpelliceum, id facit. Et primo Enſem, quem aliquis coram eo genuflexus evaginatum tenet, ſtans, detecto capite, benedicit, ſi non ſit benedictus, dicens.

Verſ. *Adjutorium noſtrum in Nomine Domini.*

The Empire.

Resp. *Qui fecit Cœlum & Terram.*
Vers. *Domine, exaudi orationem meam.*
Resp. *Et clamor meus ad te veniat.*
Vers. *Dominus vobiscum.*
Resp. *Et cum Spiritu tuo.*

Oremus.

EXaudi, *quæsumus, Domine preces nostras, & hunc* Ensem, *quo hic famulus tuus circumcingi desiderat, Majestatis tuæ dextra dignare bene✠dicere, quatenus esse possit Defensor Ecclesiarum, viduarum, Orphanorum, omniúmq; Deo servientium, contra sævitiam Paganorum, atque Hæreticorum; aliísq; sibi insidiantibus sit terror & formido. Per Christum Dominum nostrum.*

Resp. Amen.

Oremus.

BEne ✠ *dic, Domine sancte, Pater Omnipotens, æterne Deus, per invocationem sancti Nominis tui, & per adventum Jesu Christi filii tui Domini nostri, & per donum sancti Spiritus paracliti, hunc* Ensem, *ut hic famulus tuus, qui hodierna die eo tua pietate præcingitur, visibiles inimicos conculcet victoriaq; per omnia potitus semper maneat illæsus. Per Christum Dominum nostrum.*

Resp. Amen.

Deinde dicit, stans, ut prius.

BEnedictus *Dominus Deus meus, qui docet manus meas ad prælium, & digitos meos ad bellum.*

Misericordia mea, & refugium meum: susceptor meus, & liberator meus.

Protector meus, & in ipso speravi: qui subdit populum meum sub me.

Gloria Patri, et Filio, et Spiritui Sancto.

Sicut erat in principio et nunc et semper et in sæcula sæculorum. Amen.

Vers. *Salvum fac servum tuum Domine.*
Resp. *Deus meus sperantem in te.*
Vers. *Esto ei Domine turris fortitudinis.*
Resp. *A facie inimici.*

Vers.

Vers. *Domine exaudi orationem meam.*
Resp. *Et clamor meus ad te veniat.*
Vers. *Dominus vobiscum.*
Resp. *Et cum Spiritu suo.*

The Empire.

Oremus.

DOmine Sancte, Pater Omnipotens, æterne Deus, qui cuncta solus ordinas, et recte disponis, qui ad coercendam malitiam reproborum, et tuendam justitiam, usum Gladii in terris hominibus tua salubri dispositione permisisti, et Militarem Ordinem *ad populi protectionem institui voluisti, quiq; per beatum* Johannem *Militibus ad se in deserto venientibus ut neminem concuterent, sed propriis contenti essent stipendiis, dici feciſti; clementiam tuam, Domine, suppliciter exoramus, ut sicut* David *puero tuo* Goliam *superandi largitus es facultatem, et* Judam Macchabæum *de feritate gentium nomen tuum non invocantium triumphare feciſti, ita et huic famulo tuo, qui noviter jugo Militiæ colla supponit, pietate cœlesti vires & audaciam ad fidei & justitiæ defensionem tribuas; & præstes ei Fidei, Spei, & Charitatis augmentum; & da tui timorem pariter, & amorem, humilitatem, perseverantiam, obedientiam, & patientiam bonam, & cuncta in eo rectè disponas; ut neminem cum Gladio isto, vel alio, injustè lædat; & omnia cum eo justa, & recta defendat; & sicut ipse de minori gradu ad novum Militiæ promovetur honorem, ita veterem hominem deponens cum actibus suis, novum induat hominem; ut te timeat, & recte colat, perfidorum consortia vitet, & suam in proximum charitatem extendat, præposito tuo in omnibus rectè obediat, & suum in cunctis juste officium exequatur. Per Christum Dominum nostrum. Resp.* Amen.

Tunc *Ensem* aqua benedicta aspergit. Si autem Ensis sit prius benedictus, omnia prædicta omittuntur. Posthæc Pontifex sedens, accepta Mitra, dat Ensem nudum novo Militi ante se genuflexo, in manum dextram, dicens.

Accipe Gladium istum in nomine Pa ✠ tris, & Fi ✠ lii, & Spiritus ✠ Sancti, & utaris eo ad defensionem tuam, ac sanctæ Dei Ecclesiæ, & ad confusionem inimicorum Crucis Christi, ac fidei Christianæ; & quantum humana fragilitas permiserit, cum eo neminem injustè lædas, quod ipse præstare dignetur, qui cum Patre & Spiritu Sancto vivit, & regnat Deus, per omnia sæcula sæculorum.

Resp. Amen.

The Empire.

Deinde Enſis in vaginam reponitur, & Pontifex cingit *Militem* novum Enſem, dicens.

Accingere Gladio tuo ſuper femur tuum potentiſſime; & attende quod Sancti non in Gladio, ſed per fidem vicerunt Regna.

Enſe igitur accinctus *Miles* novus ſurgit, & Enſem de vagina educit, & evaginatum ter viriliter vibrat, & ſuper brachium ſiniſtrum tergit, & in vaginam reponit.

Tunc Pontifex dat novo *Militi* oſculum pacis, dicens:

Pax tecum.

Et iterum Enſem evaginatum in dexteram accipiens, *Militem* novum ante ſe genuflexum cum ipſo Enſe evaginato ter ſuper ſcapulas leviter percutit, interim ſemel tantum dicens.

Eſto Miles *pacificus, ſtrenuus, fidelis, & Deo devotus.*

Deinde repoſito Enſe in vaginam, Pontifex manu dextera dat novo *Militi* leniter *alapam*, dicens.

Exciteris à ſomno malitiæ, & vigila in fide Chriſti, & fama laudabili.

Et *Milites* aſtantes, imponunt novo *Militi Calcaria*; & Pontifex ſedens cum Mitra, dicit Antiphonam.

Specioſus forma præ filiis hominum, accingere Gladio tuo ſuper femur tuum potentiſſime.

Surgit Pontifex, & verſus ad novum *Militem*, ſtans, & detecto capite, dicit.

Verſ. *Dominus vobiſcum.*

Reſp. *Et cum ſpiritu tuo.*

Oremus.

OMnipotens ſempiterne Deus ſuper hunc famulum tuum, qui hoc eminenti Mucrone circumcingi deſiderat, gratiam tuæ bene ✠ dictionis infunde, & eum dexteræ tuæ virtute fretum fac contra cuncta adverſantia cœleſtibus armari præſidiis, quo nullis in hoc ſeculo tempeſtatibus bellorum turbetur. Per Chriſtum Dominum noſtrum. Reſp. *Amen.*

His dictis, novus *Miles* oſculatur manum Pontificis; & depoſitis Enſe, & Calcaribus, vadit in pace.

i Greg. Lopez. *ad l. 14. tit. 21. Partid. 2. e.*

k *Et videſis* Greg. *Pag. 7. lib. 9. poſt Epiſt. 3.*

But this kind of Benediction belongs, they ſay, only to Knights made by the Pope, or ſuch as derive their power from him, not to[i] them that are created by lay Princes. See before, the making of a Knight of S. *Peter*,[k] where we ſpeak of Dukes. There is alſo in the old *Ordo*

Roma-

Romanus an *Ordo ad armandum Eccleſiæ Defenſorem vel alium militem,* much differing in form from that in the *Pontificiale.* *The Empire.*

LXII. The perſons that give this dignity are ſeen in the examples, hitherto brought, of the Ceremonies uſed at the giving it. And more to that purpoſe occurrs anon, where we ſpeak of dignities given by ſubordinate Princes in the Empire. But we add here (that it may be had alſo with the more obvious paſſages of Civilians touching this matter) that of *Nicholas Upton* an Engliſh Civilian (who lived in the time of our *Henry* VI.) under this title, *Qui poſſunt creare Milites. Non exiſtentes* Milites (ſaith he [1]) *aliquando* Milites *faciunt & creant, quales ſunt Papa &* Magni Barones, *non* Milites. *Sed ille* Miles *qui creatur per Dominum* Papam *debet degradari ſi militaverit contra Eccleſiam ut in* l. 1. C. de obſequiis. *Et in neceſſitate* Scutiferi *&* Sacerdotes, *qui tamen ſunt Milites inermis militiæ notatur* C. de Equeſtribus dignitatibus l. 1. *Sed certe ſcias quod tales qui ſunt Milites & à non Militibus, creantur vel neceſſitate vel conſuetudine quæ habent vim legis ut* ff. de legibus l. de quibus *ubi iſta materia tractatur per doctores & ſpecialiter per Dominum* Bartholum *in fine cujuſdam repetitionis quam facit in dicta lege* de quibus. *Neceſſitate, ut forte aliquis volens eſſe Miles apud Sanctum Sepulchrum Domini noſtri* Jeſu Chriſti *non reperiens ibi aliquem Militem, poteſt Sacerdotem requirere ut ipſum ordinet ut eſt multotiens viſum, quod verum eſt tam de neceſſitate quam de conſuetudine, ut in dicta lege* de quibus *per doctores. Et ut dictum eſt, ſi Sacerdos ibi non fuerit, poteſt ille ordinandus requirere aliquem Scutiferum valentem ut ipſum ordinet. Multi dicunt tamen quod requiritur quod talis Scutifer ordinans ſit in actibus bellicis & armis antea notabiliter approbatus, & tunc ſufficit. Ex quibus jam inſurgit quæſtio; Numquid non ordinatus poſſit alium ordinare? & quod non ſic, probatur per naturam tituli* extra. de clerico non ordinato miniſtrante. *Ad quod reſpondit* Bernardus *ibidem* in c. 1. *allegans pro ſe neceſſitatem ut ibi, cum quo concordat* Henricus de Bowycho in c. accedens extra. de purgatione canonica. *Sed tu dic breviter quod officium militare officium eſt oneris et non honoris maxime ut dicam infra ordine ſuo; quia Miles eſt ſervus Reipublicæ ut patet in* l. milites C. locati *& per naturas titulorum* ff. de re militari & C. lib. XII. de teſtamento militari C. ff. & Inſt. *ubi ſupra patet quod dictum officium militare eſt oneroſum quamvis fuerit in multis privilegiatum ut ibi. Et contraria ſunt vera in illis ordinibus per quorum collationem imprimitur character in animam ordinati. In creatione Militis nullus imprimitur character. Quare voco illud officium militare proprie & non ordinem ut inferius dicam. Creantur autem Milites ut dixi per non Milites, conſuetudine vel ſtatuto. Ut forte eſt conſuetudo vel ſtatutum in civitate Ieroſolima quod hoſtiarius ſive cuſtos offici hoſtii Sancti Sepulchri ſolus creabat Milites ibi creandos. Scutifer ibi hoſtiarius vel cuſtos qui de conſuetudine, vel ſtatuto ut prædixi habet exercere ea quæ pertinent ad ſuum officium & ſic de facto creati. Pro iſtis eſt Dominus* Bartholus in lege ommem ff. de legibus. *Et ſic habes quales poſſunt creare Milites.* And he confounds here, it ſeems, the Knight of the Sepulchre (which is commonly taken rather for a regular Knight) with him of the Spurr or the **Ritter geſchlagen**. Hereunto we note that of Sir *William* of *Badenſel* a *German* Knight, who in MCCCXXXVI. in his Pilgrimage to the holy Land, made two Knights at the Sepulchre by girding them with the Sword. But whether he mean (for he relates it himſelf) Knights of the Spurr,

[1] *De re Militari Ms. lib. 1. cap. 2. videſis* Philoth. Achillin. *Sem. Viridarii lib. 1. cap. 123.* Petrus Bellug. *in Spec. Princ. Rub. 20. § 4.* quotidie videmus quod unus Miles facit alium Militem &c.

or

The Empire.

or those of the special Order of the Sepulchre, I know not. His words are, *Supra* [m] *Sepulchrum Christi pulchram feci de Resurrectione Domini Missam celebrari, & aliqui de meis sociis corpus Christi devotè susceperunt. Post Missam feci duos Milites Nobiles supra Sepulchrum Gladios accingendo, & alia observando, quæ in professione Militaris Ordinis fieri consueverunt.* That which some Civilians have of Doctors that are regent [n] or profes's by the space of X years, becoming thereby Knights, we reject here as a meer fancy. For clearly this Knighthood is gained only from some such Creation as hath relation to Arms. And although it hath been frequently and justly conferr'd also on men of the long Robe, yet the title of *Miles*, **Ritter** or the like with the sword or Spurrs, or such other notes as expres's Arms or Military service, shew that the dignity of it self is primarily relative only to acts of the short Robe, according to that of our *Dan* [o] *Lidgat.*

m Guil. *de* Badensel. Hodeporic. *in Terram sanctam.*

n Nic. Upton. *Ms. de officio Militari lib.* 1. *cap.* 3. & Bartolum *citat. ad C. de Prof. in urbe Constant. l. Unic.*

o *Ms.* of the Horse, Sheep, and Goose.

Eques *ab* Equo **is said of very right,**
And Chevalier **is said of Chevalrie**
In which a Rider **called is a** Knight.
Arragoners done also specifie
Caballiero **through all that partie**
Is name of worship, and so took his ginning
Of Spores of Gold, and chiefly Riding.

There are also, in the Territories to which the dignities of this Chapter belong, some special orders of Knighthood; as that of the *Annunciada* instituted by *Amè* Count of *Savoy* in MCCCCIX. that *di Sangue di Salvatore*, in *Mantoua*, begun by *Vicentio Gonzaga*, Duke there, in MDCVIII. and some other. But they are with diligence enough delivered in divers Writers that have purposely collected them, and are obvious to any Reader. Therefore I abstain here from further mention of them.

LXIII. As by the sword girded (which was the most essential part of the Ceremony in Knighting) Knights were made; and by a stroak on the Ear sometimes, as in divers of the examples before brought; So another dignity was wont to be conferr'd by delivery of a Sword only, with a blow on the cheek or ear, which gave the liberty of bearing a Sword or other Arms, as in attendance on a Knight or a **Ritter gelchlagen**, but not of the wearing it girded on as the Knight did. These that had this ceremony and liberty of bearing Arms in attendance on Knights, were *Armigeri*, **Schiltknaben** or **Wapenæren.** For it was not lawful for any other to bear Arms, in those [p] elder times, without the especial indulgence of the Emperor, although the liberty of bearing them, or the **Werhaft machen** (as they call it) be regularly in these later ages communicated to all Subjects of the Empire whatsoever. *Goldastus* having spoken of the old custom of Knighting the Sons of the Gentry; adds, *Ministri illis* [q] *adjuncti alapâ & Gladio in jus arma ferendi. Nec erat cuivis licitum arma portare.* And to this purpose observe that in *Nolden*; *Notanda est differentia quæ antiquitùs* (saith [r] he) *in* Westphalia *observabatur inter Nobiles ut ex antiquis instrumentis apparet, hoc modo,* **Wir Johan von N. Ritter unnd Henrich der Knape,** *&c. Qui enim reipsa dignitatem* Equitis Aurati *legitimè*

p *Videsis Feud. lib.* 2. *tit.* 27. §. 5.

q *Ad* Winsbek. *Poet. Germ. pag.* 402.

r *De stat. Nobil. Tract. cap.* 6. §. 72. *videsis* Besold. *de Ord. Equestri* §. 3. & *quod notat* Hotoman. *disp. Feud. cap.* 5. *ex speculo Saxonico, de scutis.*

gitimè adeptus erat der zu Ritter geſchlagen war, *vocabatur eo nomine* Ritter. *Qui verò vir armipotens erat, quem nos* Ritterneſſig *nominamus, vocabatur* Armiger, ein Wapener. *Juniores verò,* die Jungengeſellen, *nominati ſunt* Knapen. Whence alſo he obſerves ſome ſub-ſcriptions heretofore uſed in the Empire with the addition of *Armiger*; as *Johannes Morſaim* and *Henricus Bock* Armigeri. And note this title given before to *William* Earl of *Holland* (choſen Emperour) before he was Knighted. [r] *The Empire.*

[r] §. 59.

But at this day (and that from ſome Ages paſt) I think, this title of Wapener or *Armiger*, is grown out of uſe in the Empire. Yet I have here thus remembered it, both as it hath a relation to the Ritter geſchlagen, and becauſe the ſame title remains in the Eſquires of other States; of whom, in their due place. The names of *Armiger* and *Scutarius* (whence *Eſcuyer* in French, and our Eſquire are made) are very obvious in the memories of the old Empire. Eſpecially in *Ammianus Marcellinus* and the *Notitia*. And *Paſquier* finds the titles of Gentlemen and Eſquires in the *Gentiles* [t] and *Scutarii* in *Marcellinus*. See his *Recerches de la France livre* 2. *cap.* 15.

[t] *De Gentilibus, præter ea quæ magis obvia apud ſcriptores habentur, videſis quæ habet* Marcus Velſerus *Rerum Auguſtarum* Vindelic. *libro* 8.

LXIV. As theſe titles hitherto handled, are created by ſupreme Power in the Empire, and are immediate to the ſame Power either as it is in the Emperour, or is pretended by the Pope; So by ſome great Princes within the Territory of the Empire, (that, howſoever divers of them exerciſe a Power fully Imperial or Regal, and be *ſupremi Domini in terra ſua*, or *Imperatores in Patria ſua*, both which Titles have been uſed in the ſtiles [u] of the Dukes of *Lorrain*, yet have titles which are only Feudal or Subordinate) divers Titles of the like name and nature are given, and held under them. This of *Maximilian* King of the *Romans* (under *Frederick* III.) his Creation of *Charles* Count of *Chimay* into the title of Prince of *Chimay*, to him and his Heirs of both Sexes may belong to this place.

[u] Franciſ. *de* Roſiers *in Diplom. & in* Stemm. *Lotharingiæ pag.* 17.

MAximilianus, *Divina favente clementia*, Romanorum *Rex*, *ac* Hungariæ, Dalmatiæ, Croaciæ, *&c. Archidux* Auſtriæ, *Dux* Burgundiæ, Lotharingiæ, Brabantiæ, Stiriæ, Carinthiæ, Carniolæ, Lymburgi, Luxenburgi, *et* Gheldriæ, *Comes* Flandriæ, Haſpurgi, Tirolis, Ferretis, Kiburgis, Artheſiæ *et* Burgundiæ, Palatinus Hannoniæ, Hollandiæ, Zelandiæ, Namurci, *et* Zutphaniæ: *Margravius* Sacri Romani Imperii, *et* Burgoviæ; *Langravius* Alſatiæ: *Dominus* Friſiæ, *Marchæ* Sclavonicæ, *Portus* Naonis, Salinarum, *et* Mechliniæ, *&c. Nobili* Carolo *Comiti de* Chymay; *ex illuſtribus de* Croy *deſcendentibus ex vera & legitima progenie ſeu origine Regum* Hungariæ, *noſtro et Imperii Sacri dilecto, gratiam Regiam, et omne bonum. Illuſtris, fidelis, dilecte; Etſi Regalis ſublimitas, necnon ejus circumſpecta benignitas univerſorum exaltationi ſtudioſè conſueverit intendere, & ea quæ Reipublicæ conducibilia eſſe crediderit perpendere, ad illorum tamen ſublimationem procurandam proniori & ſingulari quodam fervore inclinatur uberius quos firma conſtantia et inſeparatæ fidei diuturnitas, evidentibus teſtimoniis in*

I. *Schobier. en la genealogie de la maiſon de Croy pag.* 59.

The Empire.

in conſpectu Regiæ Majeſtatis non mediocriter commendant. Sanè conſideratis multiplicibus et ſtudioſis tuis et progenitorum tuorum obſequiis et nobilium tuarum virtutum induſtriis quibus tu et progenitores tui ſolida et integra probitate, cura pervigili nobis et ſacro Imperio Romano indefeſſe claruiſſe, & complacuiſſe dinoſcuntur, et inantea ferventiùs clarere et complacere poteris et debes, quanto majoribus honorum prærogativis, larga noſtra manu Regali, te ſenties frugalius refectum atque conſolatum. Ideoque Regalis noſtræ Majeſtatis oculos ſingulari quadam ferventia, in te gratioſius dirigentes, Te, tuóſque utriuſque ſexus hæredes, ac eorundem ſucceſſores legitimos qui de lumbis tuis aut ſuis deſcenderunt, vel impoſterum deſcendent in veros Principes illuſtres Principatus de Chimay, *principum ſacri Imperii adhoc accedente conſilio, animo deliberato auctoritate noſtra Regali, motu proprio & ex certa ſcientia ac de plenitudine poteſtatis in nomine Domini ſalvatoris noſtri, à quo omnis honor & poteſtas prodire dinoſcitur, elevavimus, erexi-mus, ſublimavimus, atque creavimus, prout elevamus, erigimus, ſublevamus, et creamus, autoritate et poteſtate prædictis, decernentes, et hoc Regali noſtro edicto, quod tu et hæredes tui eorundem ſucceſſores legitimi ſinguli utriuſque ſexus ex lumbis tuis et ſuis nati et naſcituri ex nunc et inantea perpetuis temporibus quandocunque et quotieſcunque caſus ſe obtulerint, Titulo* Principes illuſtris *dicti Principatus de Chimay, frui, nominari, et appellari poſſitis, ac de dandis & recipiendis juribus, et in conferendis ſeu ſuſcipiendis feudis, ac in omnibus aliis conditionem et ſtatum* Principum illuſtrium *concernentibus, teneri, honorari, et ubique ab omnibus reputari, atque privilegio, honore, gratia, dignitate, et immunitate frui poſſitis et debeatis, quibus alii ſacri Imperii principes illuſtres hactenus jure vel conſuetudine freti ſunt, noſtris tamen et ſacri Imperii juribus auctoritate et ſuperioritate in præmiſſis ſemper ſalvis. Mandamus igitur omnibus et ſingulis Principibus, Eccleſiaſticis, et Secularibus, Ducibus, Marchionibus, Comitibus, Baronibus, Militibus, Clientibus, Officialibus, quibuſcunque, Capitaneis, Burgraviis, poteſtatibus, Ancianis, Gubernatoribus, Præſidibus, Judicibus, Regibus Armorum, Haraldis, perſovandis civitatum, oppidorum, villarum, & locorum communitatibus, cæteríſque noſtris & Imperii ſacri fidelibus dilectis cujuſcunque ſtatus, gradus, ſeu conditionis exiſtant tam in Imperio ſacro, quam alibi ubilibet conſtitutis. Quatenus te et hæredes tuos ac ſucceſſores tuos utriuſque ſexus legitimo præfatos* Illuſtres

ſtres Principes *nominent*, *intitulent*, *& revereantur*, *Vóſque dignis honoribus ſemper proſequantur*, *cunctis temporibus futuris*, *ad evitandam noſtram et ſacri Romani Imperii indignationem graviſſimam et quadraginta Marcarum auri puri pœnas*, *qui contra facient toties quoties contra factum fuerit ipſo facto noverint ſe irremiſſibiliter incurſuros*, *quarum medietatem Regalis fiſci ſeu ærarii*, *reſiduam vero partem injuriam paſſorum uſibus decrevimus applicandas. Dat. in Civitate noſtra Imperiali Aquiſgrani ſub Regalis Sigilli appenſione et teſtimonio literarum ipſo die Coronationis noſtræ Aquiſgrani habitæ. Anno Domini Milleſimo Quadringenteſimo octuageſimo ſexto, Regni noſtri Romani Anno primo.* The Empire.

This is miſtaken by *Aubertus* [x] *Miræus*, who ſuppoſes it to be *Maximilian's* while he was Emperour. His Father *Frederick* the Third, was then living, and *Maximilian* was not Emperour till MCCCCXCIII. which is ſeven years after this Creation made by him while he was only King of the *Romans*, or deſigned Succeſſour.

[x] *Diplom. Belgic. tom. 2. cap. 100.*

Under the Arch Duke of *Auſtria*, is the Count or Grave of *Hardeck*, under the Marqueſs of *Brandenburg*, the Grave of *Honſtein*, and under the Duke of *Pomerland*, the Grave of *Newgartten*. But theſe are not inveſted with ſuch Royalties as the Graves that are included in the general name of the Princes of the Empire. To this purpoſe, *Matthias Stephani*, after he hath ſpoken of the Graves that are included in the number of Graves, that are immediate to the Emperour, and are of the State of the Empire; adds alſo, *Sanè ſunt & alii Comites qui non ſunt in matriculam relati*, *& ſine regalibus Imperii inveſtiti*, *reperiuntur in aliquibus partibus* Germaniæ, *ut* Hardeck *ſub Auſtriacis*; *Item*, **Graffen von Honſtein**, *ſub Electore* Brandenburgenſi; **Graffen von Newgarten** *ſub Ducibus* Pomeraniæ, *& Epiſcopo* Cammenſi. *Hi quia Regalia integra non habent*, *& aliis principibus ſubſunt*, *iisdem jura eorum Comitum*, *qui ſunt ſtatus Imperii*, *non competunt.* So *Rutgerus* [y] *Rulandus*; ſpeaking of the *jus Archivi*, or having, as it were, Courts of Record, belonging to Graves, *Aut ſunt Comites Imperii*, (ſaith he) *& ratione Regaliorum*, *&*, *quòd unà ſtatum Imperii repræſentant*, *idem in iis quod in Ducibus & Marchionibus ſtatuendum erit. In omnibus enim qualitatibus hoc loco requiſitis conveniunt. Aut ſunt* Comites *non in matricula Imperii relati & ſine regalibus inveſtiti quales in aliquibus partibus* Germaniæ, *(qui* **Landſaſſen** *vocantur) & in* Italia *&* Lumbardia *magno numero reperiuntur*, *& his qui Regalia non integra habent & aliis etiam Principibus ſunt ſubjecti*, Jus Archivi, *niſi ſpecialiter à ſuperiori conceſſum non habere ſtatuo. Nam in his deficiunt requiſita. Primò enim non concedunt leges per ſe*, *ſed ſtatuta ſuorum dominorum timent*, *nec creant Notarios*, *quia non Imperium immediatè*, *ſed alium Principem ſuperiorem cognoſcunt.*

[y] *De Commiſſariis part. 2. lib. 5. cap. 4. §. 28.*

For the Dignities under the Duke of *Savoy*; ſee the old Laws of that Duchy printed, where Barons, Bannerets, and *Valvaſores* are eſpecially mentioned. And antiently the Duchy of *Baviere*, before the erection of *Auſtria* into a Duchy, had, beſides Barons and Counts, four Marqueſſes under it, of *Auſtria*, of *Styria*, of *Iſtria* and *Cambey*, as it hath ſince had Counts and Barons. *Hucuſq*; (ſaith *Stero* ſpeaking of

The Empire.

MCLVI. after our Saviour, and others follow him) *quatuor* Marchiones *Austriæ & Styriæ, Istriæ & Cambensis qui dicebatur de* **Uohburg**, *evocati ad celebrationem Curiæ Ducis* Bavariæ *veniebant, sicut hodie Episcopi & Comites ipsius terræ facere tenentur.* Other like are in other Dukedoms. And for the Power of giving Dignities in a Personal Count Palatin, you have that of *Charles* IV. to *John de Amatis*, which is before cited out of *Thomas Sagittarius* where we speak of Personal Counts Palatin. And in the *Lumbard* Customs of the Feuds, we see that Dukes, [a] Marquesses, and Counts might *de plebe aut plebis parte aliqua alios investire*, and so make *Valvasores majores*, or give the dignity of the greater *Valvasores*, and these also might create under them *Valvasores minores* by giving Fiefs likewise to be held of them, and the *Minores* by a like grant and tenure reserved made *Valvasini*, which was the lowest title of Feudal Gentry. Add hereunto the Ceremony of Knighting used by these Princes of the Empire. *Henry* Duke of *Saxony* at *Rostolme* Knighted *Albert* of *Mikelburg*, when he married *Euphemia* Daughter to *Magnus* King of *Swethland*. *Ericus* (saith [b] *Krantzius*) *Dux inferioris* Saxoniæ *militari cingulo sponsum* Albertum *exornavit.* This was in MCCCXXXVI. And *Frederick* Duke of *Austria*, made CXL Knights upon Saint *George*'s day at *Vienna* in MCCXLV. *Centum & quadraginta* [c] *juvenes de terra sua Nobiles apud Viennam honorificè donavit gladio & cingulo militari.* See before also the Charter by which *Castruccio de Antelminellis* was made Duke of *Luca*. That also of *Frederick* II. his giving to the King of *Austria*, (when he made it a Kingdom) power to erect [d] *Carniola* into a Duchy belongs to this place. And Pope *Julius* III. by his Bull of divers Privileges given to the Patriarchs of *Constantinople*, *Alexandria*, *Jerusalem*, and *Aquilegia*, with divers other Archbishops and Bishops, being of his Household Chaplains, among the rest, granted to every of them that they might create *Milites & Equites deauratos octo ac eisdem Militibus solita Equitum deauratorum insignia concedere*, as the words of the [e] Bull are. Other Examples to this purpose are enough frequent. For Prescription of time and antient Grants have setled a power of such Creations of Dignities in divers Princes subordinate in the Empire.

a *Feud. lib. 2. cap. 10.*

b *Suetiæ lib. 5. cap. 28.*

c *Annal. Austriæ, ann. 1245.*

d Petrus de Vineis *lib. 6. Epist. 26. & de subinfeudationibus quibus insigniores tituli à Principibus Imperii conferuntur, vide præter Commentarios in jus Feudistic.* Andr. Knichen *ad jus Saxon. verb. Duc. cap. 6.*

e Laert. Cherubin. *Bullar. Tom. 1. pag. 705. Bull. 12.*

LXV. But it rests now that according to our first purpose, in the designation of the Titles of the Empire, we conclude with designing together summarily the several States of the Empire. That we shall do with the enumeration of the Feudal titles there, that are immediate to the Emperour, according as we find them in *Goldastus*, [f] taken out of the Imperial Records. After the *Emperour* and *King of the Romans*, he places the three Ecclesiastical Electors, and then the four Temporal; then some Kings (and he takes them and the rest, he saies, out of both the old and later Records) the *Archduke* of *Austria*, the *Great Dukes*, the Patriarch of *Aquilegia*, Primats, Archbishops, the Masters of the Dutch Order in *Prussia*, Bishops, the Masters of the Dutch Order in *Germany*, and *Italy*, of the same in *Livonia*, and of the Knights of S. *Johns* in *Germany*; then *Abbates Principes*, as the Abbots of *Fulda*, of *Kenipten* in *Suevia*, of *Murbach* in *Alsatia*, and divers more, then, three *Præpositi* or Provosts, with the addition of *Principes*, as of *Wessenburg* in *Alsatia*, of *Elewang* in *Suevia*, and of *Berchtoldsgad* in *Baviere*. After these, the Abbesses that are titled Princesses also, as of *Quindlebourg*, and of *Gandersheim* in *Saxony*, and some more. But of these kind of

f *In præfixis constitut. tom. 1.*

Abbesses,

Abbeſſes, ſaies [g] *Paurmeiſter*, *Etſi pleriq; Principum honorem & titulum gerunt tamen quoad locum in conſeſſu, ac dictionem ſententiæ, pari cum reliquis jure cenſentur.* After theſe, in *Goldaſtus* follow *Dukes*, then *Lantgravii qui ſunt Principes*, as of *Alſatia*, *Turingen*, *Heſſe*, *Leuchtenberg*, and *Franconia*. Next after theſe follow *Marchiones qui ſunt Principes*, then *Principes ſimpliciter ſic dicti*. Under which title he reckons that of **Mahod**. After theſe follow *Burgravii qui ſunt Principes*, as of *Norimberg*, *Magdeburg*, *Zorbeck*, and *Miſſen*. Next *Comites qui ſunt Principes*, or **die gefurſtete Graben**. After them, *Domini qui ſunt Principes, aut æquiparantur*, under which title he hath *Dominus Roſtochienſis*, *Dominus Stargardienſis*, *Dominus Friſiæ*, and divers more, Then *Abbates, qui non ſunt Principes*, of which the number is very great, then Provoſts alſo that are not Princes and Abbeſſes that want that title. After them *Balivi ſeu Commendatores Provinciales Ordinum Equeſtrium*. Then *Comites* or *Graves* in a great number, and *Landgraves qui non ſunt Principes ſed in Comitum dignitate*, as of *Turgow* and *Walgow*, and ſuch more, and *Burgraves, qui non ſunt Principes, ſed in Comitum dignitate*, as of *Altenburg* in *Miſſen*, and *Kurburg* in *Thuringen*, and divers others. Next follow a great ſtore of *Barones* and *Liberi Domini*, and then a few *Advocati*, or **Vogten** of Churches, *qui Baronibus æquiparantur*. But I think that Title is almoſt, if not wholly, ended, at leaſt as it is honorary, in the Empire. Next to thoſe are *Equites*, **Ritteren** *qui Baronibus æquiparantur*: and then the free Cities, and the reſt that are immediate to the Emperour.

The Empire.

[g] *De Juriſdict. lib. 2. cap. 1. §. 17.*

Thoſe *Equites* are there called, *Societas Sancti Georgii* in *Suevia*, *Ordo Equeſtris in* Hegovia, *Equites de* Gerlaſſe, *Equites de* Fridberg, *Equites de* Baden, *Equites de* Gelnhauſſen, *Equites aurei velleris in Imperio*, *Equites de* Andelow, *Equites de* Meldingen, *Equites de* Strondeck, *Equites de* Froſenberg, *Pincerna de* Winterſtetten, *Nobiles de* Planitz *in Miſnia*, *Nobiles de* Platho *in Saxonia*, *Nobiles de* Erenberg, *Nobiles de* Stainach. But **Ritteren** and *Equites* among theſe (ſaving in that of the Golden Fleece) denote only ſome of the Gentry [g] of the Empire, or of the **Adelichen Reichs Ritterſchaft**, as they call it. Not **Ritteren geſchlagen**, or others of any order of Knighthood. But in the other Lawyers of the Empire, theſe States of the Empire are ranked ſomewhat otherwiſe. Thoſe we ſhall more particularly deſign in the collection of Authorities that concern Precedence. For here we took this of *Goldaſtus*, not for matter of Precedence, but chiefly to ſhew thoſe differences of the titles of *Principes*, and *non Principes*, and others that *æquiparantur* to a title (as he ſaies) though they have it not.

[h] *De quibus videſis Beſold. diſc. politic. cap. 6. Paurmeiſt. de Juriſdict. lib. 2. cap. 2. §. 17.*

Swethland.

CHAP. II.

I. *Of Titles in* Swethland, *and especially of making of* Knights *in those Northern Parts.*
II. *The* Creation *and* Investiture *of a* Duke *in* Poland.
III. *The* Investiture *of a* Waiwod *by the King of* Poland. *Of the title of* Waiwod, *of* Palatinus *there. And* Boiari *and* Armigeri *in* Moldavia.
IV. *Of* Barones *in* Poland, *and* Boyarones *in* Leytow, *and of other Titles in* Poland.
V. *Of the Title in* Hungary.
VI. *Of those in* Boheme.
VII. *The* Titolati, *as* Princes, Dukes, Marquesses, *and* Counts *with their* Coronets, *in the Kingdom of* Naples. *The Title of* Archduke *once there.*
VIII. *The general and distinct Notion of the Title of* Barons *there.*
IX. *The Title of* Knight *or* Eques auratus S. Marci *given by the State of* Venice.

AFter these Titles of the Empire, we come to those which are in some States that are neerest adjacent to it, or intermixt with the Territory of it.

I. The adjacent or intermixt Kingdoms wherein any of the like Titles have been, have imitated for the most part the customs of *Germany*. *Swethland* hath almost the same names varied from high *Dutch* into *Swethick*, as the same Titles in *Spanish*, or in other of the Provincial Tongues are from *Latine*. The title of *Hereditary Prince* there [a] in the Heir apparent, is expressed by Arff-Furstar of the *Swethes*, *Goths*, and *Vandals*, and a Duke they call Hertig or Hertug, a Count Greffue, and a Baron Friiheere. The same names of Hertug and Greffue, the King of *Denmarke* uses in his stiles, as Hertug udi Slesywig, Holsten, Stormorn, oc Dytmersten, Greffue udi Oldenborg oc Delmenhorst, *Duke of Sleswicke, Holst, Stormer, and Ditmarsh, Count of Oldenburg and Delmenhurst.* But in the old Laws of *Swethland*, I find no mention of any secular dignity, (that is not merely Officiary) beside [b] *Miles & Militaris*, the one, as I conceive, denoting a Knight, the other a Gentleman; And sometimes *Militares Militibus similes* occurr, which I understand for Gentlemen of fit estate, and merit to be made Knights. But the making of Knights in those Northern Kingdoms, is sometimes used with more solemnity than only the slight stroke of a Sword. The Belt, Sword, and Shield were sometimes given, together with Fiefs; and an Oath taken by him that was Knighted, especially at Coronations. The Northern Kings (saith *Olaus* Archbishop of [c] *Upsalæ*) after they are crowned, use to create *Milites auratos, feudis abundanter distributis, cingulo & ense ac clypeo præstitis, tali tamen interveniente juramento in manibus alicujus Prælati assistentis.* The form of the Oath is,

[a] *Andr. Jon. Gothus Thes. Epistolic. lib. 2. cap. 9.*

[b] *Ragnald. Ingemund. Leo. Suec. lib. 2. cap. 8. & 21.*

[c] *Hist. Septent. lib. 14. cap. 7.*

Ego N. opto mihi ita Deum *propitium &* Beatam Virginem

nem *ac* Sanctum Ericum *quod volo juxta extremum meum poſſe per vitam & bona mea defendere fidem Catholicam & Sanctum Evangelium, & tenere ac protegere Eccleſiam et ejus miniſtros in ſua libertate et immunitate et ſtare contra omne quod iniquum eſt et conſervare pacem et juſtitiam, et defendere pupillos et orphanos, virgines, viduas, et pauperes, et ſeu fidelis et ſecurus meo Regi et regno ſeu patriæ meæ, et juſtè exhibere et exercere militarem ſtatum ad honorem Dei ſecundum ultimum poſſe meum; ſic me Deus adjuvet, et omnes Sancti ejus.* Amen. *Swethland.*

And by his Oath (ſaith *Olaus*) the Knights conceived themſelves ſo bound, that upon publication of any War, againſt either the Infidels (as *Turks*) or Schiſmaticks, (as thoſe of *Moſcovy*) they ever with all readineſs, and at their own charge, prepared themſelves to be a part of the Army. And for that form of the Oath by *Name of God, the bleſſed Virgin and Saint Erick*; it is according to the cuſtom of other ſolemn Oaths antiently uſed in that State. For the Kings there alſo, at their Coronation, were wont to ſwear [d] thus, *Sic mihi Deus ſit propitius in corpore & anima, ac* Virgo Maria, & S. Ericus *omneſque Sancti ac reliquiæ Sanctorum quas manibus teneo, quod omnes & ſingulos enumeratos articulos tenebo, ſervabo, &c.*

[d] *Ragnald. Ingemund. Leg. Suecorum lib. 2. cap. 4.*

For the order of the Elephant in *Denmarke*, and of the Sword in *Swethland*, I refer you to the many Writers that have collected the Orders of Knight-hood; every of them almoſt, hath all that I know of thoſe Orders. And I am unwilling to tranſcribe from them. But there came now to my hands, when the Preſs was thus far, the form of a Patent teſtifying the Creation of a Knight by the King of *Swethland*, which I inſert here as the only example that I have ſeen of that kind. It is of the Creation of my worthy Friend Sir *Henry Saint-George* Knight, in his late employment thither, when the Order of the Garter was ſent to that King.

NOS Guſtavus Adolphus *Dei gratia* Suecorum, Gothorum, Wandalorumq; *Rex, Magnus Princeps* Finlandiæ, *Dux* Eſthoniæ *et* Careliæ, *nec non* Ingriæ *Dominus &c. Significamus vigore præſentium quorum intereſt aut quomodolibet intereſſe poteſt univerſis et ſingulis, inprimis haſce noſtras viſuris, lecturis audituriſve; Quod cum Sereniſſimus ac Potentiſſimus Princeps Dominus* Carolus *eâdem Gratia Magnæ* Britanniæ, Franciæ, *et* Hiberniæ *Rex, fidei defenſor &c. Conſanguineus, frater, et amicus noſter chariſſimus, in arctioris amicitiæ nexum, et evidentiſſimum amoris erga nos ſui perpetuo duraturi pignus, præteritis hiſce diebus auream nobis Periſcelidem Ordinis Sancti* Georgii, *per legationem Solennem offerri curaverit; in eâque nobili viro* Henrico *Saint*-Georgio *Armigero*

Sweth-land. *migero ex Heraldis ſuis ad arma uni, illum locum ſummo cum honore aſſignaverit, ut per eum quæ ad ritus ejus Ordinis abſolvendos ſpectarent, maximâ ex parte perficerentur; Idcirco, quemadmodum ob multas cauſas gratiſſima fuerit nobis præſens Legatio: ita viciſſim æquum arbitrati ſumus, ut legatis ipſis aliquod gratiæ et favoris noſtri ſpecimen exhiberemus. Quoniam igitur maximum erga bene meritos favorem noſtrum, ſingulari alicujus honoris adorea metiri ſolemus: atque inter omnes gentes ſummæ ſemper æſtimationis habita fuit dignitas ordinis Equeſtris, ideóque tam ratio ſuorum Principalium, quàm ſua ipſius merita poſtulabant, ut hac cum favoris teſſera dignandum cenſeremus. Quemadmodum enim à mutuâ quæ nobis cum Sereniſſimo* Magnæ Britanniæ *Rege intercedit amicitia, haud alienum videbatur, ut quæ nobis legatio Equeſtris dignitatis inſignia attuliſſet, eidem nos viciſſim, in ſuo gradu, Equeſtrem honorem tribueremus: ità maximè conveniebat, ut & legato, ob civilis prudentiæ merita, & Armigero, Heraldóque ad arma, propter bellicæ fortitudinis conformitatem, hujus dignitatis præmia darentur: quo poſteritati etiam ſuæ conſtaret, hoc eum, non modo viri fortis brabæum, ſed etiam fideliter adminiſtratæ legationis encomium, cum laude reportâſſe. Præterea tot etiam aliæ virtutes nobis ejus perſonam inſinuavere, utpote quod non tantùm claris majoribus ortus, verum etiam egregiis animi & ingenii dotibus excultus; in aulicis officiis laudabiliter obeundis verſatus; multa rerum experientia ornatus, adeóque & Regi ſuo per integræ fidelitatis obſequium chariſſimus; & omnibus bonis, ob animi moderati laudem, morúmque concinnitatem gratiſſimus eſſet: ut merito gratia & benignitate noſtra tanto digniorem judicaremus, quanto pluribus nobis virtutibus commendatus eſſet. In caſtris igitur & conſpectu totius exercitus, ritu Chriſtianis principibus ſolenni, motu vero proprio & ex plenitudine Regiæ poteſtatis, dictum* Sainct-Georgium Equitem auratum *creavimus: eúmque ad hanc eminentiam eveximus & extulimus; dedimúſque ei & in eum contulimus omnes honores, privilegia, immunitates, libertates, jura, præeminentias & inſignia, quæ quocunque tempore, juxta cujuſcunque loci conſuetudinem, mores & ritus, tam Imperatoribus* Romanis, *quam aliis Regibus, huic prænobili equitum auratorum Ordini, in omnibus & quibuſcunque prærogativis, geſtatione auri, ſeſſione, proceſſionibus, aliiſve ſolennioribus & honoratioribus congreſſibus, conceſſa ſunt: Ita ut apud omnes & inter omnes Imperatores, Reges, Duces, principes, Prælatos, liberas Reſpublicas, Comites, Baro-*

nes,

nes, Communitates, & quosvis Magistratus dignitarios, iis Dignitatibus, Præeminentiis, Prærogativis, ornamentis, & Clenodiis, perpetuo, publicè, palam & ubique utatur, fruatur, gaudeat, & præ cæteris præfulgeat, coruscet, excellat, nec ullius hominis, cujuscunque is conditionis fuerit vel dicto vel facto, in iis exercendis aut usurpandis impediatur vel prohibeatur. Et ut dictus Sainct-Georgius *tanto majus benignitatis & clementiæ nostræ documentum habeat; Paterna ejus insignia cum effectu reassumimus, eáque Regia nostra autoritate in perpetuam rei memoriam augemus, ita ut quem gestat Leo ruber tribus insuper Coronis flavis regnorum nostrorum insigniis condecoretur; quemadmodum præsens schema * ad vivum demonstrat: quod illi & posteri ejus utriusque sexus ex lumbis ejus legitimo thoro procreati vel procreandi, utì strenuos viros decet in omnibus honestis rebus, insigniis, aulæis, figuris, picturis, tabulis, signis, sculpturis, hastiludiis & quibuscunque aliis actionibus decoris, habeant, possideant, gerant & ferant publicè & palàm.* Swethland.

* Here in the Patent, the Arms are accordingly expressed.

Rogamus *itaque Augustissimos, Potentissimos, Illustrissimos, Reverendissimos, Illustres, Reverendos, Generosos, Magnificos, & Nobilissimos Imperatores, Reges.* S. Rom. *Imperii Electores & Principes, liberas Respublicas, Comites, Barones, & Communitates omnes amicè, benignè & gratioſè: Nostratibus vero utpote Regni nostri Principibus, Comitibus, Baronibus, Nobilibus, Prælatis, Militaribus & Militibus omnibus incolis severe mandamus & serio injungimus ut nominatum* Henricum Sainct-Georgium, *pro Equite aurato nobilique agnoscant, habeant, venerentur & privilegiis, dignitatibus, præeminentiis, prærogativis, utilitatibus & honoribus, illi à nobis concessis, penes se & inter suos licitè & liberè uti et frui, nec in quoquam illi denegari, vel per alios malitioſe derogari quidquam patiantur. Sed potius ei convenientem honorem & omnia humanitatis Officia in nostri gratiam exhibeant, eundemque dignè promoveant. Nostratibus vero secus facturis, & in hanc Regiam nostram concessionem, malitioſè et contumelioſè commissuris, mulctam quadraginta librarum auri puri irrogamus; eósque à modo condemnamus, ad partem dimidiam nostro fisco, alteram nominato nobili et Equiti* Sainct-Georgio, *sine ulla requisitione persolvendam. In quorum omnium fidem, majúsques Robur, præsentibus manu nostra subscriptis, Sigillum nostrum Regium scienter appendi jussimus. Actum in Castris nostris ad* Dirscaviam *die vicesimo sexto Septembris. Anno Millesimo sexcenteſimo vicesimo septimo.*

II. Accord-

Poland. II. According also to the fashion of the Empire, the giving of some Feudal dignities occurrs in the memory of *Poland*. The examples I meet with are of the title of *Duke*, and of Waiwod. *Sigismund* the first, in the treaty at *Cracow*, MDXXX. among other Articles, agreed with *Albert* Marques of *Brandenburg*, then Master of the *Dutch* Order in *Prussia*, to give him divers Territories there as Duke; *tanquam Duci in Prussia, in legitimum* (so are the words of the [c] Treaty) *& hæreditarium feudum conferre, & ejusmodi infeudationis literas ab uno fratre ad alios & eorum hæredes tanquam super indiviso feudo juxta tenorem transactionis conficere.* And it was agreed further that if the four brothers, Marquesses of *Brandenburg*, *Albert*, *George*, *Cassimir*, and *John*, died without issue male, the Duchie should revert to the Crown of *Poland*, and that *Albert* should receive Investiture by a Banner, and do his homage by oath, and his brother the Marques *George* at the Investiture should *suo & fratrum nomine vexillum contingere.* This was agreed on Palm Sunday in the same year, and upon Monday it was performed. For then is the Patent dated, that creates *Albert* Duke of *Prussia*, according to the treaty. The Dignity and Territories are given to him and his heirs Males of his body (the Investiture being *per Vexilli nostri traditionem*, as the Patent speaks) the remainder to his brothers, the one after the other, accordingly. The tenure is to assist the King, with a hundred horse whensoever he should go himself into the field against an enemy. And of other Investitures of the same Duchy, afterward in the nature of a Livery to the heirs, other testimonies are. And one is especially observable, that when the Banner was delivered to the heir, who had not his right free from the claim of competitors, they were admitted *ad* [f] *contactum extremitatum Vexilli ejusdem.* This was under *Sigismund* II. in MDLIX. when Duke *Albert* was invested, and the Marques of *Onolzbach*, and *Brandenburg*, *Frederique*, and *Joachim*, laid claim to the Duchy. Other instruments of making Feudal [g] Duchies there, are publickly extant. They call a Duke Kiaze or Kiaze.

[c] *Prilus. stat. Polon. lib. 5. cap. 3. pag. 766 & Tom. 1. Rer. Polonic. pag. 226.*

[f] *Orat. Vicecancel. Poloniæ in Comitiis Lublini habit. 1559. apud Chytræum Saxon. lib. 22.*

[g] *Prilus. stat. Pol. lib. 5. cap. 5 & Tom. 1. Rer. Polonic.*

III. An example of a Feudal Waiwod (or Woiewoda, as they call it; and Woiewodowie in the plural) is in that of King *Kazimir* III. his infeudation of *Moldavia* to *Stephen*, *Vaivod* of *Moldavia* in September MCCCCLXXXV. This was not the first Creation of the Title of *Vaivod*, in this *Stephen*, but only an investiture or solemn Livery, whereby *Moldavia* was thus received as a Fief from the King of *Poland*. It was after a treaty on both sides wherein the *Vaivod* (being otherwise under the Empire) agreed both to put himself into the protection of the Crown of *Poland*, and also to receive his Territory and dignity from the King as a Fief. The Ceremony was, that the King sitting in state, *Stephanus Palatinus* (so they call a *Vaivod*, whereof more presently: and thus it is described in the [h] Records of *Poland*) *à Majestate Regia per magnificos nuncios ad veniendum faciendúmq; ea quæ debet, avisatus & conductus cum omnibus suis* Armigeris, Boiaris *vulgari eorum dictis, eques venit, ad latus verò per universum fidelem habebat, cui* Banderium *quoq; magnum sericeum coloris rubri in quo arma terræ Moldaviæ pulchrè auro depicta erant, præferebatur. Sui vero omnes Terrigenæ bona hæreditaria in Moldavia habentes & alii omnes Curienses notabiliores* Banderia *parva, quolibet suum equum insedendo, manu tenebant; Ipsius & Regis clangentibus tubis. Accedensq; ad solium M. R. equo descendit, dein*

[h] *Ex Archivis Polon. Prilus. stat. Polon. lib. 5. cap. 10. fol. 806. & Tom. 1. In Rerum Polonic. pag. 254. & de Palatinis Poloniæ, Vide plura apud* Cromerum *de situ Poloniæ lib. 1. &* Salomonem Newbegaverum *Polonic. Hist. lib. 2.*

dein Banderium *manibus corripuit, ac mox cum* Banderio *versus solium processit. Id etiam sui omnes post eum fecere; immediatèq; solium accedens flexis suo more genubus & capite prono,* Banderium *usque ad terram inclinat, similiterq; facientibus subditis tenorem Omagii his verbis proferebat. M. R. immota sedente, sed stantibus dominis, his verbis in facie M. R.* Poland.

Clementissime mihi Rex, ego Serenitati vestræ Omagium facio cum omnibus terris & hominibus meis, & peto tuitionem Serenitatis vestræ, & circa Jura, in Juréq; meo, & dignitatibus conservari.

Hic adhuc Banderium tenuit, pro genu autem flexione, de ritus sui more, capite inclinato, tacto signo crucis sanctæ Jusjurandum fecit corporale, his verbis.

Gratiosissime Rex, Ego Omagium præsto, & juro ac etiam promitto fideliter sine dolo & fraude vestræ Serenitati, successoribúsq; Serenitatis vestræ Regibus et Sacræ Coronæ Regni Poloniæ cum omnibus terris, Baronibus et hominibus meis, fidelitatem, essèque fidelis et obediens Serenitati vestræ successoribus et Coronæ Poloniæ Regni; Sic me Deus adjuvet, et sancta Christi Crux.

Mox Juramento finito, hæc respondit M.R. verba, residens in sede M. suæ.

Nos te et terras tuas in nostram protectionem recipimus, et circa omnes Dignitates et Jura omnia Terrarum tuarum tanquam Palatinum nostrum relinquimus. His dictis osculata est eum Majestas regia.

Osculo facto, recepit *Banderium* M. R. manibus suis de *Palatini* manibus, in manusque Mareschalli Regni illud dedit. Hic primum *Armigeri* omnes, *Palatini Moldaviæ* stantes circa solium Majestatis, sua *Banderia* parva è manibus in terram straverunt, Mareschalloque Regni prædicto *Banderium* magnum de solio Majestatis juxta ac concluſum erat ad thesaurum Regium deferente, & parva illa per Cubicularios M. Regiæ collecta itidem ad thesauri locum ferebantur servanda. Noluit quippe *Palatinus* & *Armigeri* consentire, ut intra tractandum diriperentur: quin petiit ipsorum ut *Banderia* Omagialia honestè servarentur propter majoris amicitiæ autoramentum. Quo facto M. R. non longè à se *Palatinum* tanquam amicum & suum Omagialem penes se locavit, &

Poland. conſedentibus illis, Armigeri ipſius omnes ſub hac forma juraverunt, tacta cruce.

Nos Barones, *vaſalli et tota Terra* Moldaviæ *præſtamus Omagium noſtro et totius communitatis Terræ* Moldaviæ *nomine, Sereniſſimo Principi Domino* Kazimiro *et ſucceſſoribus Regibus* Poloniæ, *et Coronæ Regni* Poloniæ, *promittimúſq; et juramus omnem fidelitatem, ſubjectionem, et obedientiam in perpetuum Serenitati ſuæ Regno et Regibus* Poloniæ, *Ita Nos Deus adjuvet, et ſancta Chriſti Crux.*

The oath was taken, ſome of them laying their hands on the Croſs and ſome holding them over it. In the relation of this Ceremony, the Titles in *Moldavia* are (by the way) ſpecially obſervable, and that *Armigeri* or *Boiari* (ſignifying the ſame) comprehends alſo the *Barones* of that Territory. Thoſe words, *Armigeri ipſius omnes ſub hac forma juraverunt*, referr'd to *Nos Barones Vaſalli &c.* ſeems to ſhew it.

But for this Title of *Vaivod*; it is a name in thoſe parts that denotes as much literally as *Captain*, or *militiæ præfectus*, and in *Moldavia*, at that time, was thus feudal, however in the later times the *Vaivod* there hath taken the [i] name of *Deſpote* or *Prince*, as ſuppoſing (ſay ſome) that of *Vaivod*, as it is uſed in the neighbouring Kingdoms, of it ſelf to denote too much ſubjection. See before where we ſpeak of this *Vaivod*, as of a Prince of the Empire. And indeed in *Poland* and the great Duchie of *Leitow*, and elſewhere in the members of that Kingdom; there are many known alſo by the name of *Vaivods*, which are all [k] officiary only, and for life, and have commands in the ſeveral Territories committed to them, ſomewhat like the Lords Lieutenants of Shires in *England*, and have their *Caſtellans*, like Deputy Lieutenants under them in all places, except *Cracow*, where the *Vaivod* is under the *Caſtellan*, as for a perpetual memory of the diſhonourable flight of the *Vaivod* of *Cracow* under King *Boleſlaw Krziwouſti*, from a *Ruſſian* ambuſh. But theſe *Vaivods* in *Poland* are not at all feudal nor to be reckoned among Titles of Honour but of Office. And ſo it is very antient in thoſe parts, [m] and attributed to the time of near M years paſt. The later Greeks made into their language the name Βοεβοδος from it to denote a *Vaivod*. So we ſee in that of *Conſtantinus Porphyrogennetus* where he ſpeaks of the *Vaivod* of *Chazaria*. He ſays [n] that the firſt Governour or Prince there was called a Βοεβοδος, which queſtionleſs he means for *Vaivod*. Ὄνομα τῆς ἀξίας ὡς καὶ οἱ λοιποὶ μετ' αὐτὸν Βοεβοδος καλεῖται, *By the name of his dignity, as his Succeſſors, he was called Vaivod.* But the Hiſtorians and Lawyers of *Poland*, that expreſs themſelves in Latin, uſually call a *Vaivod*, *Palatinus*; which doth not at all literally tranſlate it. But uſe hath made thoſe two words there to be now equivalent. And this feudal *Vaivod* alſo of *Moldavia*, we ſee called *Palatinus* every where in that relation of the Ceremony of his receiving inveſtiture.

i *Vide Leunclavium Pandect. Turcic. cap. 71. & 174. Cromer. in Polon. lib. 2.*

k *De iis conſules ſi placet J. Herbort ſtat. Polon. fol. 174. & 239. b. & Priluſ. lib. 1. cap. 3. & cap. 6.*

& Dabrowice *in ſtatutis Polonicè editis* 1600. *ex* Andrea Prochinichi.

m *Gagnius. circa init. Chron. Polon.*

n *De adminiſtrando Rom. Imp. cap. 38.*

IV. In the Lawes of *Poland*, ſometimes the Secular States are reckoned by the Title of *Comites*, *Barones* (or Panowie, as they call Barons, that is, *Domini*; For Pan is but *Dominus*, as in the King's ſtile among

mong their Laws, wherein frequently **Ruſki y Pruſki y Mazowieckie y Zmudzic Pan y Dziedzic** occurrs for *Ruſſiæ & Pruſſiæ, Muſcoviæ, Samogitiæ Dominus & hæres*) *Milites, Proceres, Nobiles, Burgenſes cæterique ſubditi & Incolæ, &c.* ſometimes of *Principes, Barones, Nobiles, &c.* ſometimes of *Barones, Milites, Nobiles, &c.* Theſe kind of Titles in general are frequent in paſſages that concerning the States there, occurr in *Herbort* and *Priluſius.* But the Archbiſhop of *Gneſnaw* ſubſcribes himſelf (beſides *Legatus natus & Regni Poloniæ Primus*) *Primus Princeps* in his letters to *Baronius* [o] touching the tranſlation of his Annals into Poliſh: and *Baronius* likewiſe ſtiles him ſo in his anſwer, which is indeed but according to the very ſyllables uſed in the deſcription of the rank of their Dignities publiſhed in their Laws by *Dabrowice*, and printed at *Cracow* in MDC. out of *Jendrzeja Prochnickiego* a Canon of *Cracow*, that publiſhed the ſame at *Rome* in the ſame language. *Poland.*

o *Præfix. tom.* 4. *Baronii.*

In the Inſtrument of annexation of the Duchie of *Leithow* to the Crown (which was by *Alexander*, alias *Witwod*, Great Duke of *Leithow* and *Vladiſlaw* the firſt, in MCCCC.) Duke *Alexander* ſaith he doth it with the aſſent [p] *Omnium Baronum, Nobilium, Procerum, & Boyaronum ejuſdem terræ.* And *Barones, Nobiles & Boyari ejuſdem terræ*, are remembred often in the ſame inſtrument, where for *Poland*, *Barones & Nobiles* are ſtill mentioned. But it ſeems, that *Barones & Nobiles* ſignifie there rather the Officiary Palatines and Chaſtellans, whom they call *Dignitarii*, and other principal Gentlemen of the Counſel of State, than any particular dignity, as it doth in the Empire, and in moſt other places. And for *Boyarones*; the word is uſed (being the ſame as *Boiari*) both in *Moldavia* (as we ſee before) and other parts [q] of the Eaſtern *Europe*, and denotes thoſe of the Gentry rather as interpreting *Nobiles*, than as being any other dignity beſides it.

p *Herbort. verb. Unic. pag.* 294. *&c. & Priluſ. lib.* 5. *cap.* 1.

q *Sigiſmund. Lib. in Muſcovia.*

For Knights; as in other places, ſo the King makes them there. At that inveſtiture of the *Vaivod* of *Moldavia*, before mentioned, the King knighted both all of deſert in his own Court, and all the *Boyari* or *Armigeri* of the *Vaivod*. *Omnes Palatini* [r] *Armigeros univerſam deniq; Curiæ ſuæ juventutem militiæ ſymbolis inſignivit.*

r *Apud Priluſ. lib.* 5. *cap.* 10. *pag.* 807.

But for Honorary Titles in the later Age, within that which is known properly by the name of *Poland*; *Jendrzeia Prochnickiego* a Canon of *Cracow*, in his deſcription of the State of *Poland*, publiſhed at *Rome* in MDC. and inſerted by *Dabrowice* into his collection of the Laws of *Poland*, ſaith, that *Sunt in Regno titulo Ducali & Marchionatus inſigniti. Sed qui cum reliquis Regni Proceribus, Comitibus, Baronibus, &c. Nobilibus jure utuntur communi. Ordo etenim Equeſtris, cum magnam ſibi apud ſuos Principes & Remp. paraſſet laudem & merita Bellicis artibus ac fortitudine militari, ad eam cum titulatis æqualitatem pervenit ut æquo jure & ad capeſſendos honores & ad liberam novi Regis electionem pertineat, unde tanta omnium & par libertas.* So *Cromer* Biſhop of *Warne* writes, that there is ſcarce any diſtinction at all by them. *Eſt pari dignatione Polonica Nobilitas* (ſaith [s] he) *Nec eſt ullum in ea Patritiorum Comitumve diſcrimen, exæquata quodam tempore omnium conditione.* But then he adds, *Nuper adeò paucis quibuſdam parentum vel ipſorummet amplitudine atque meritis & Principum Beneficio, Comitum decus denuò partum eſt. Ducum qui peculiares haberent dominatus vel territoria nunquam aliud genus fuit apud* Polonos *quàm id quod à* Boleſlao Krziwouſto *principe propagatum fuit, cum is principatum inter liberos diviſiſſet. Verùm id jam defecit.*

s *De ſitu Poloniæ lib.* 1.

Poland. Here he seems to attribute the beginning of feudal Duchies there to this *Boleslaw Krzivoustí* that died and left his Kingdom so amongst his four sons, that three of them held their several parts as Fiefs of the eldest. So he supposes, as I think. And *Solomon Newbegaver*, a *Prussian*, writes to the same [t] sense. This *Boleslaw* died in MCXXXIX. And according to that fashion of giving Duchies, some say that [u] antiently *Siradia* and *Massovia*, both as Duchies, were wont to be given to the second Son of the King.

t *Hist. Polon. lib. 1.*
u *Alex. Gagnin. in descript. Polon.*

V. In the Laws of *Hungary* collected by [x] *Stephen Werbencz*, *Barones*, *Magnates*, *Nobiles & Proceres Regni* are remembred together, and often severally, especially *Barones & Nobiles*. In the antienter Constitutions of the Kings of *Hungary*, and that of about DC years past, [y] *Barones*, *Comites & Milites* occurr, and *Duces* [z] also. But both *Duces* in the elder Laws and *Comites* also in the elder and later most frequeutly denote Officiary dignities, and not Feudal. For in every of the Provinces there (they call them *Comitatus*) the King was wont to appoint one by the name of [a] *Comes* in Latin (to whom a *Vicecomes* was substitute) as a Liutenant especially for Civil government. This was ordained by *Matthias* the first, in MCCCCLXXXVI. Such Officiary Counts are called *Comites Parochiales* or *Parochiani*. But others are expressed by *Comites perpetui*. And those I conceive to be Feudal. Such a one is the Count of *Scepusia*, which title was, (I know not whether it continue) in the Family of *Zapolya*. *Emericus de Zapolya* in the subscription to one of the Decrees of *Matthias* is noted with *Comite* [b] *perpetuo terræ Scepusiensis*. So is *John de Zapolya* also [c] elsewhere and others. And of this kind of Counts, it seems, is that to be understood in *Otho* [d] *Frisingensis* speaking of *Hungary*; *Hinc est* (saith he) *ut cum prædictum regnum per* LXX. *vel amplius divisum sit Comitatus, de omni justitia ad Fiscum regium duæ lucri partes cedant, tertia tantum Comiti remaneat.* Where we see also the like custom for a third part of the profits of the County Courts, to that which was also antiently in *England*, as is hereafter shewed. But whereas in the beginning of *Isthuanfins* his late History of *Hungary* there is mention of *Stephanus Zapolianus Palatinus Comes Scepusiensis*, it is not to be understood as if the Count of *Scepusia* were a feudal Count Palatine in *Scepusia*, there is no such title I think in *Hungary* as a Count Palatine of this or that County. But there is an officer of greatest dignity, and of a kind of [e] general Lieutenancy under the King, whom they call at this day *Palatinus*, as in their Laws and Histories in Latin he is named. And because this Count of *Scepusia* had that Office in Court, as also his ancestor *Emericus* before him, therefore is *Palatinus* joyned to his name. But this Officiary dignity of *Palatinus* (as it is usually called in the testimonies that concern it in the later ages) was in the elder times also expressed by *Palatinus Comes* as we see in the Lawes of [f] *Ladislaus* and *Colomann*, [g] two antient Kings of *Hungary*, and was justly so expressed in regard of the nature of it, which is in substance, as that of the *Comes Palatii*, in the French Empire, whereof enough is already said.

As the name of *Comites* with them, is thus both an Officiary and honorary, or Feudal Title, so is that of *Barones*: which they distinguish into Barons in Office, and Barons not in Office. And these last I conceive to be Feudal and Honorary. *Werbencz* speaking of the

x *Werbencz Jur. Conf. Hungar. part. 1 tit. 2 part. 2. tit. 4.*
y *S. Stephan. Reg. Decret. lib. 1. cap. 4. & 42. &c.*
z *Privileg. S. Stephan. Reg. Protoabbat. S. Martini, Anno Christ. 1001.*
a *Matth. Reg. Decret. 1. cap. 67. & videsis Dubrau. hist. Bohemiæ lib. 6. sub initio.*
b *In Constit. Hungar. subnexis Bonfinio pag. 113.*
c *Sub extremum Juris consuet. Hungar. Steph. Werbencz in Decret. fragmento.*
d *De gest. Fred. 1. lib. 1. cap. 31.*
e *Isthuanf. Hist. lib. 6. pag. 84.*
f *Decret. lib. 7. cap. 3.*
g *Decret. lib. 1. cap. de equo donato Regi: & videsis Goldast. Constit. Imper. Tom. 3 pag. 403. & Decret. Alberti 2 Imp. Budæ edita 1439. art. 2. ibid. pag. 458.*

Barons

Barons and Gentry, ſays they have all equal Liberty, Exemption and Immunity, and the like proceeding in Law is uſed againſt the one and the other. Nor makes he any [h] difference twixt them, ſave only with this exception that their Homages (as he calls it) or the *Were-gilds* (that is the price of one ſlain without fore-thought malice) differ, as alſo the Dowries that they are to leave to their wives. For the Homage of a Baron is a C Marks, and of a Gentleman or *Nobilis* but L. And the widow of a Baron in Office may demand a C Marks for her ſpecial Dowrie as due, *propter ejus defloration*em (as he ſays) or for her Maidenhead, beſide whatſoever elſe is ſetled on her. But of a Gentleman or Knight but L. or otherwiſe according to the value of his poſſeſſions; nor any more of a Baron not in Office. And in delivery of this Law, he uſes *Magnas* for a Baron without an Office. *Relicta*, ſaith he, *Baronis plus conſequitur ratione dotalitii propter defloration*em *quam relicta unius Magnatis*. And *Si Maritus officium Baronatus geſſerit, tunc mulier ipſa centum Marcas, ſi verò Magnas, vel Baro ſolo nomine fuerit & officio Baronatus caruerit, aut inſignis Nobilis vel Miles extiterit. &c.* Then the widow is to have fifty Marks. But then he tells us whom he means in all this by Barons, and makes the word denote all their greater both Officiary and Feudal Dignities. *Ne autem ſuper officiis* (ſo are [i] his words) *& nominibus Baronatuum dubium ſuboriri poſſit; eorum nomina hîc inſerenda exiſtimavi. Sunt itaq; veri Barones quorum ab antiquo nomina Decretis & literis confirmationalibus Regiis inheri conſueverunt. Palatinus Regni Hungariæ, Judex Curiæ Regnorum Dalmatiæ, Croatiæ, & Sclavoniæ Banus; Waywoda Tranſylvanus, & Siculorum Comes. Banus Zewrinienſis. Item Thavernicorum, Janitorum, Pincernarum, Dapiferorum, Agazonum Regalium & Reginalium Magiſtri, necnon Theweſienſis & Polonienſis Comites.* Of their Palatine, already; and of the name of *Vaivod* alſo, which is the ſame with *Vaivod* mentioned before in *Poland*. And *Banus* in thoſe parts is that Officiary Title of government which in *Conſtantine* [k] *Porphyrogennetus*, as I conceive, is called Βάνος. Perhaps *Heſychius* meant the the ſame where he ſpeaks of *Bannas*. Βαννὰς (ſaith he) βασιλεὺς παρὰ Ἰταλιώταις, ὡσὲ, ἀρχὴ ἀρχῶν. *Bannas with the Italians ſignifies King; but ſome interpret it a chief Magiſtrate.* Unleſs he meant this word *Ban*, which he might eaſily meet with in *Italy*, as brought from the parts of *Hungary* or thoſe near Kingdoms which were long ſince [l] incorporated to it, I confeſs with the learned *Meurſius* I underſtand him not. The *Tavernicorum Magiſtri*, are there of ſuch nature, as our Barons of the Exchequer. And for the *Comites* laſt named here; they are Officiary Counts only, and ſo reckoned among thoſe Officiary Dignities.

Poland.

h *Werbeuez Conſ. Jur. Hungar. part. 1 cap. 2. part. 3. tit. 5. & part. 1. tit. 93.*

i *Part. 1. tit. 94.*

k *De adminiſtr. Rom. Imperio.*

l *Werbeucz Juris Conſ. Hungar. part. 3. cap. 1.*

The dignity of Knighthood is given there (as in *England* and other places) by gently ſtriking the perſon honour'd on the ſhoulder. King *Maximilian* at his Coronation MDLXIII. knighted divers after that faſhion. *In Franciſcanorum templo* (ſaith [m] *Iſthuanſius*) *editiore in loco, podium gradibus excelſum, aulæiſq; ſtratum, erectum erat, in quo ſedens haud paucos Milites & Præfectos, Equeſtri dignitate, humeris de more gladio leviter perculſis, ornavit.*

m *Hiſtoriar. lib. 21 p. 425.*

VI The Kingdom of *Bohemia* hath from antient time had almoſt all kind of Feudal dignities, and of the greateſt alſo, and Knights, as the Empire. In an exemplification made by the Emperour *Charles* IV. of *Rodulph*

Bohemia *Rodulph* the firſt his Patent of atteſtation touching the right of Electorſhip which is in the King of *Bohemia*, mention is of Counts and Dukes in particular with a general comprehenſion of the Secular eſtates, by *Cæteríque Duces*, [n] *Principes*, *Barones*, *Proceres* & *Nobiles Regni Bohemiæ*. The antienteſt Creation of a Duke there, or Livery of a Dukedom, that I find expreſly mentioned, is under King *John*, about MCCCXXX. *Johannes Rex* [o] *Bohemiæ*, *contulit Ducatum Oppaviæ Nicolao eleganti Juveni*. This *Nicholas* was Son to another Duke *Nicholas* that enjoyed it before him. So *Henry* Duke of *Sileſia*, upon leaving his whole Dukedom to the ſame *John*, had a part of it given him for life by the name of a Dutchy, with a Penſion of a thouſand Marks of ſilver out of the King's Exchequer. *Hinc Rex Provinciam* (ſaith one of their [p] old Stories) *Glacenſem ad tempora vitæ Ducis poſſidendum pro ducatu aſſignat, ſibique deputat mille marcas argenti annis ſingulis à fiſco Regio, quoad vixerit, percipiendas*. And before this time the Duke held the whole Duchy of *Sileſia* of the King. For the Story ſaies, that he treated with the King, *De Ducatus ſui reſignatione*, which ſuppoſes, I conceive, a precedent Feudal poſſeſſion of it; as, I think, before that time, there was of other Feudal dignities in *Bohemia* after the example of the Empire. The ſame King alſo made his Son [q] *Charles* (that was afterward the Fourth Emperour of that name) Marqueſs of *Moravia*. Thoſe Territories of *Sileſia*, *Moravia*, with *Luſatia*, were annexed to the Crown [r] of *Bohemia* by the Emperour *Henry* IV. about MLXXX. and of later time have been in the King's ſtile and poſſeſſion, where at pleaſure alſo he creates Counts and Barons. *In Bohemia & incorporatis provinciis* (ſaith [s] *Nolden*) *utpote Moravia, Luſatia, Sileſia, &c. ſummam poteſtatem obtinet Rex & non ſolum Nobiles ſed etiam Comites & Barones creat, quemadmodum in Sileſia ad quatuor primarios Baronatus nemo admittitur niſi vel ab Imperatore vel Rege Bohemiæ Baro creatus fuerit*. And for Barons; the Stories of that Country mention a Creation of ſome into that dignity above ſix hundred years ſince. They tell us that *Hieromirius* Duke of *Bohemia* (for until they uſed a Crown Royal, the name of Duke, and not of King was attributed to the Princes of that Country, as of divers others in thoſe Eaſtern Parts) being, through the Loyalty and Valour of one *Honora*, reſcued from a trayterous aſſault made on him in a hunting, gave him in fee for a reward the Office of Chief Foreſter, with all the Parts about *Stemben* (where the Reſcue was made) *Primúmque* (as *Dubravius* [t] his words are) *inter Barones autoritate Cæſaris Henrici* (he means the Emperour *Henry* the firſt) *ad eum Procerum gradum provehebat, qui nunc Barones à quercu in Boiemia appellantur*.

n *Anno* 1348. & *habetur in Rer. Bohemiæ vol. edit. à Frehero* 1602.
o *Chron. Aulæ Regiæ. pag.* 28.
p *Ibid. pag.* 58.
q *Dubravius Hiſtor. lib.* 21.
r *Æn. Sylvius de ſit. Bohem. cap.* 22. *Sed & vide Goldaſt. conſtit. Imperial. Tom.* 1. *pag.* 345.
s *De ſtatut. Nobil. cap.* 2. §. 86.
t *Hiſt. lib.* 6.

VII. In the Territories of the Kingdom of *Naples*, where the greater Nobility is without example ſo numerous; There are *Princes*, *Dukes*, *Marqueſſes*, *Counts*, and *Barons*, all which they call *Titolati*, and *Antonius Surgens* in Latine, [u] *Titularii*. For although all thoſe of the greater Titles, are alſo comprehended under the name of *Barons* in a general Notion; yet alſo there is a diſtinct dignity of Barons alſo, as is anon ſhewed. And for Knights; the like Authority and ſuch a kind of Ceremony makes them there, as in other Kingdoms. The original of the Title of *Prince* in that State is much Antienter than the beginning of the Kingdom, which falls about MCXXX. when *Roger* Duke of *Calauria* and *Apuglia* gained to himſelf the Title of King. For in the time of

u *Neapol. illuſtrat. lib.* 1. *cap.* 23. §. 1, & 7.

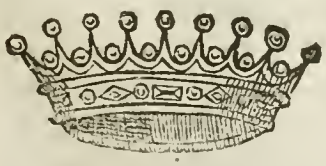
of the *Lumbards* when divers feudal Duchies were erected in *Italy* (as is before ſhewed) that of *Benevento* was the firſt. And Duke *Arechi* II. of that name (he is called in the Latine Stories *Aragiſius* and *Archis*) and the XIV Duke of *Benevento*, much affecting the glory of a greater name than Duke, becauſe he had much increaſed his Territories and command, yet daring not to venture on that of King (for *Pipin* and his Father *Charles* were then Kings of *Italy*) ſtiled himſelf *Prince* of [x] *Benevento*, and made his Biſhops anoint him alſo and crown him, and ſubſcribed his Letters and other Inſtruments of State with *Scriptum ex noſtro Sacratiſſimo Palatio.* And thus was he the firſt that took on him there this title, as it is leſs than King, and greater than Duke. For ſo it is there, though in *Germany* it be inferiour to *Duke*. And although the Kings of *Italy* afterward reduced the Poſterity of this *Arechi* into obedience enough, yet the Title of Prince continued ſtill in it. This example of the Duke of *Benevento*, was followed by divers other; whence the Titles of *Prince* of *Capua*, *Prince* of *Taranto*, *Prince* of *Salerno*, and the like. And afterwards when *Naples* was become a Kingdom, the Kings Sons had this title with Territories uſually given them.

Naples.

x *Hirchempertus apud Leon. Caſſin. Hiſtor. lib.* 1 *cap.* 10. *Sigon. de Regno Italiæ lib.* 4. *ſub anno* 786. *Scipio Mazzella nella deſcrit. del regno di Napoli lib. prim. pag.* 99. *& lib.* 2. *pag.* 500.

The Principality of *Salerno* was ſometime appropried to the dignity of the Heir apparant, with the title of the *Prince* of *Salerne*, which began firſt in Prince *Charles*, Son and Heir to *Charles* of *Anjow* King of *Naples*, who reigned till MCCLXXXV. But afterward *Duke* of *Calauria* was the Heir apparant's title, and then, Prince of *Capua*. But of an antient Grant of that Principality, we have a memory in the Rolls of our *Henry* III. He being at *Burdeaux*, as Tutor [y] to his Son *Edmund* King of *Sicily*, then about the Age of XI years, recites that, *Cum Edmundus Dei gratia Siciliæ Rex, natus noſter de aſſenſu & voluntate noſtra dederit & conceſſerit per cartam ſuam dilecto Avunculo noſtro* Thomæ *de* Sabaudia *Comiti pro homagio & ſervitio ſuo* Principatum Capuæ *cum omnibus appenditiis & pertinentiis ſuis & omnibus honoribus juribus exactionibus & cum omnibus aliis libertatibus & liberis conſuetudinibus ad principatum illum pertinentibus ſine aliquo retenemento dicto* Thomæ *& hæredibus ſuis utriuſque ſexus imperpetuum poſſidendum &c.* and confirms it, to the end it might have *Robur irrevocabile*, and this under his ſeal that he then uſed in *Gaſcoyne*. Such as have this title of Prince of *Naples* may ſet over their Arms a Coronet with ſtones pointed and pearled, almoſt like that of the Earls in *England*, and of this ſhape.

y *Rot. Vaſc.* 38. *Hen.* 3. *membr.* 2. *N.* 10, 11.

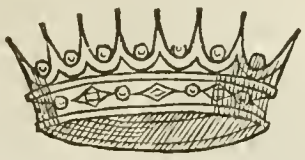


The title of *Duke* is as antient in theſe Parts, as that of *Benevento* which began under the *Lumbard* Kings about DLXX. But after the beginning of the Kingdom of *Naples*, the firſt Duke made there, that was not of the blood Royal, was *Franceſco del Balzo*. He was created Duke of *Andri* by Queen *Joan* the Firſt. Afterward *Jacopo Marzano* was created, by King *Ladiſlao*, Duke of *Seſſa*; and ſince that, a very great number have been of the like kind.

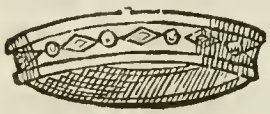
The Dukes uſe on their Arms a Coronet ſomewhat like that of Viſcounts in *England*, only pearled without points, of this form.

But alſo the title of *Archduke* was in this Kingdom. For *Charles* VIII. of *France*, being King of *Naples*, created *Gilbert* of *Burbon* Count of *Mompenſier* and his Lieutenant General of the Kingdom,

Naples. Kingdom, into the title of *Archduke* of *Sessa*, who to distinguish his dignity from a Prince as above it, and a Duke as beneath it, put over his Arms on a Ducal Cap the whole form of a Princes Crown, excepted only that the points of it were not pearled. In this Figure *Scipio Mazzella* represents it.



But though the title of *Duke* and *Prince* be thus very antient there, yet that of *Marqueſs*, which next follows, is of a much later beginning. The firſt which had this dignity there, was *Cecco dal Borgo*, created Marqueſs of *Peſcara*, by King *Ladiſlao* about CC years paſt. A Marqueſs there ſets over his Arms a Coronet or circle figured with ſtones on it, without any point or angle elſe raiſed out of it. And it is to be ſo drawn, that the open part of it be ſeen as litle as may be. *Cerchio di gemme ſenza coſa veruna di ſopra è con pochiſſima apertura*, as *Mazzella*'s words are that deſcribes both this and the reſt.



Nextfollow the *Count*'s which had there the ſame beginning that is opened where we ſpeak of Counts in the Empire, and the Kingdom of the *Lombards*. They may ſet over their Arms the like circle as the Marqueſſes, ſaving that the Stones muſt be omitted.

And this was antiently uſed there by divers Counts. *Un ſemple Cerchio* (ſaith Mazzella) *non in altro de quello del Marcheſe, diffirente, che dall, eſſere ſenza gioce, ſicome uſarano i Conti d' Altavilla, d' Aquino, di Conza, di Marſico, di Nola, di Iſernia, di Milito, di Potenza: di Troja & altri anticamente.* And he makes a Catalogue of all the *Titolati* of his own time, which was about twenty years paſt, and ſets this Coronet or circle over the Arms of every of the Counts, as well as the other over the Arms of ſeveral dignities proper to them.

VIII. All theſe *Titolati* are called there by a general name Barons. *Diſtribuuntur Titularii* (ſaith *M. Antonius* [z] *Surgens*) *in Comites, Marchiones, Duces, Principes, omnéſque appellantur Barones.* So *Franciſcus Capiblancus*; [a] *Baronem nomine Comites aliósque Titularios comprehendi nos dicimus. Nam iſtud verbum Baro eſt ſcala & caput dignitatum regalium.* And *Comes dicitur Baro ac deinceps cæteri*; *inde videmus communi ſermone Duces & Principes vocari Barones de ſuis Terris.* And this, becauſe *Dignitas Baronalis* (as he ſaies) *ſtat ut genus*; as alſo in the *Lumbard* Cuſtoms or the Feudal Laws, [b] *Capitanei & Valvaſores Majores* comprehended thoſe great dignities of Duke, Marqueſs and Count. Many privileges are due to the *Titolati* alſo, ſaith *Surgens*, as to appear alwaies by Attorney, not to be impriſoned without expreſs aſſent of the Viceroy, not to receive puniſhment in publick, not to be put to torture, nor ſuffer death by hanging; To ſit in preſence of the King, to be covered before the Viceroy, and the like. And he calls them, *Conſiliarii Regis à latere.* And for the Counts; *Præcedono i Conti* (ſaith *Mazzella*) *ne Parlamenti a tutti gli Signori e Baroni che non hanno titolo.* They precede all other Lords and Barons that are not *Titolati.* For they have there alſo a great number known by a diſtinct name of *Barons* that are beneath all the *Titolati.* And therein the word *Baro* keeps a proportion ſtill with the *Valvaſor* in the Feudal Laws. For in thoſe Laws the great dignities are comprehenſively expreſſed

z *Neapol. Illuſtrat. lib. 1. cap. 23. §. 2.*

a *Ad Rubr. de Baronibus & eorum officio §. 21, & 32. & ad Pragm. 5. num. 63.*

b *Feud. lib. 2. tit. 10.*

Naples.

preſſed in *Valvaſores*. And yet *Valvaſor* more particularly was a Feudal dignity of it ſelf alſo, that is, the dignity of him that hath a fiefe with Juriſdiction from the Sovereign or any other of the greater dignities, without any of thoſe titles. The original of the name of theſe is to be referred to the beginning of Feuds. But when or how their name came firſt into *Naples* or other Parts of *Italy*, by changing *Valvaſor* into *Baro*, I have not yet learned. For the making of them; *Capiblancus*, a great Lawyer of that Kingdom, ſaies there are two wayes; the one by the King's giving a Caſtle or Territory with Juriſdiction, with the title of Barony. The other by his giving lieve to a Feudatary, or Tenant of a Territory with Juriſdiction, to make a ſub-infeudation to others. For although the gift of a Territory without the title of Barony, makes not a Baron, yet if the Feudatary have licence given him to make ſub-infeudation, by reaſon of thoſe undertenancies, he is by implication become a Baron. Thus *Capiblancus*; whoſe own words I add here. *In*[c] *Regno DD. concludunt eos dici Barones, qui præeminentiam juriſdictionis ſuper vaſallos habent in terra ſibi infeudata. Sed intende ſi expreſſe ea terra ſit in Baroniam conceſſa in inveſtitura. Nam ſolum Feudi quaternati conceſſio non tribuit dignitatem Baronalem, ſi præcipuè data non ſit. Nam cum ſit dignitas & caput dignitatum, ſpecificè eſt tribuenda à Principe cujus eſt eas conferre cum ab eo Fluent & Refluant. Alias ſi ſine qualitate Baroniæ Terra vel Caſtrum concederetur, ille Feudatarius non Baro dicetur. Altero modo quis creari poteſt Baro ſi Rex permittat quod Feudatarius aliquis ex terris ſibi infeudatis ipſe alteri ſubinfeudare poſſit; tunc ob ſubfeuda quæ ab eo tenentur, ille dicitur effectus tacite Baro. Quæ concluſiones non probantur lege feudi, ſed ita in Regno conſtitutum reperitur ex obſervantia quæ noſtri leges comprobarunt.* And a little after, *unde labuntur aſſerentes ſufficere debere terram cum vaſallis ut vocari debeat Baro. Nam non omne feudum quaternatum dici poteſt Baronia. Extra dictos caſus quis non dicitur Baro, ita ut benigna vel pœnali appellatione Baronis propriè comprehendatur.* See alſo for theſe of *Naples* that Treatiſe of *Marinus Freccia*, *De ſub-Feudis Baronum & inveſtituris Baronum.* In *Paulus Merula*[d] there is an enumeration of the ſeveral *Titolati*, and of thoſe that were ſimply Barons. And the *Titolati* are in *Mazzella* alſo. The Power and Juriſdiction of both the *Titolati* and thoſe other Barons, are at large in *Capiblanco*, the *Deciſions* of *Antonio Capycio*, *M. Antonius Surgens*, *Garſia Maſtrillo* his fourth Book *de Magiſtratibus*, and ſuch more. And for the Diſcents to the Sons of them, ſee eſpecially *Thomas Minadoi* his *Repetitio regni Conſtitutionis; In aliquibus*, with that *De ſucceſſione filiorum Comitum & Baronum.*

c *Super Rubr. de Baronibus & eorum officio* §.12,13,& 14,& 34.

d *Coſmog. part. 2. lib. 4. cap. 25.*

IX. The State of *Venice*, gives the degree of Knighthood, which is called S. *Markes*. But called ſo for no other reaſon, I think, than becauſe that State, whoſe great Patron S. *Marke* is, gives it. It being otherwiſe the known degree of Knighthood given by Supreme Princes or ſuch as have a like Power with them. A form of Creation of it we have in the conferring it on my Noble Friend, that great Star of Learning, Sir *Daniel Heinſius*, a man whoſe own ſingular Excellence incomparably out-ſhines all ſplendour that any ſuch Title can add to him. Soon upon the League made between the State of *Venice* and the United Provinces, this Patent was ſent him by the State; under the Seal of the State, which is the Duke's name with *Dei Gratia Dux Venetiarum &c.* on the one ſide; and the whole Figure of S. *Marke* and the

Venice. Duke, circumscribed with his name iterated and S. *M. Venet.* on the other side.

ANtonius Priolo *Dei Gratia* Dux Venetiarum. *Verè ac sapienter dictum fuit, virtutem adeo esse pulchram, ut si humanis oculis conspici posset, mirificum sui excitaret amorem. Quod quidem satis ex eo probari constat, quod viros virtute præditos singulari amore prosequimur. Cum igitur* Daniel Heinsius, *egregiæ virtutis vir, omníque liberali disciplina excultus, scriptis suis publicè editis non modo summa eruditionis sed etiam sui in Rempublicam nostram obsequentis animi* [c] *specimen dederit; æquum est, ut, quem meretur, fructum percipiat: ac Nostri pariter erga illum grati animi aliquod extet Testimonium: quo fiat ut neque sui in Nos devoti affectus eundem pœniteat, & aliis de Republica nostra bene merendi præbeatur exemplum. Propterea cum Senatu dignum duximus, ipsum* Danielem, *per Oratorem nostrum, penes Amplissimos & potentissimos Ordines residentem,* aureo torque cum Numismate nostro donare ac illum Equitem Auratum facere & creare, *quemadmodum facimus & creamus, titulóque & dignitate decoramus, ac stemmate Auratæ militiæ insignimus, omniáque illi concedimus, concessáque esse volumus quæ ad Equestrem hanc dignitatem cumulatissimè spectant. In quorum fidem has fieri jussimus ac soliti sigilli nostri appensione muniri. Datæ in nostro Ducali Palatio, die* X. Aprilis, *Indictione sexta,* MDCXXIII.

[c] *Videsis* D. Heinsii *Gratulationem de Fœdere inter Venetorum Remp. & Ordines Belgii Fœderatos, quæ jam extat in Orationibus ejus, num.* 4. *Edit.* 1627.

Antonius Antelmus *Secretarius.*

It was delivered him by *Marco Antonio Moresini* Ambassadour from *Venice*, to the States of the United Provinces, with this Ceremony also of Creation added, that the Ambassadour laid his Sword on him kneeling (as the use is in Knighting) and put the Chain on about his neck, besides the solemnities of a feasting entertainment; all being done in the Ambassadours house at the *Hague*. The President of the General States had likewise at the same time the same honour given him. And in behalf of both, *Heinsius* [f] made his speech to the Ambassadour at the receiving it; wherein you may see both his acknowledgment of the height of the Dignity, and his manly and generous Soul, that hath a just estimation of all such conferred Honours.

[f] *Orat.* 6. *Edit.* 1627.

QVi res vestras, Legatorum splendor, Marce Antoni, *ab ætate omni florentissimas legerunt, sciunt neque majus apud vos deferri cuiquam posse quam quod nobis hodie delatum est, neque posse fieri, quin qui de nobis cogitet, Heroas simul*

ſimul tot ac tantos animo percurrat : qui priuſquam ad Hono- Naples.
rem hunc admiſſi ſunt , ad ſummum prius dignitatis aut virtutis fuerant evecti. Quidam totas acies totáſque claſſes manu ac virtute profligarunt. Porro , cum virtutis magnitudo omnis , omnis ſplendor , ſit ab animo cujuſque , quo , ſi verè generoſus ac erectus ſit , ne illi quidem qui naſcuntur illuſtriſſimi , cum omni laude ſua ac ſplendore , majus quicquam ſibi vindicant ; quemadmodum fortaſſe nihil dignum beneficio hoc veſtro polliceri de me auſim , ita animum hunc exhibere vobis poſſum , qui Honorum omnium oblivione ſupra omnes eo ſe recepit loco , ultra quem ambitio , ne quidem honeſtiſſima , procedit. Eum exhibere , vobis poſſum , qui Honorem nullum eo nomine dignatur , niſi qui ambitionem antevertit , niſi qui à magnis illuſtriſſimíſque viris ſponte offertur : quem ab oſtentatione & inani Hiſtrionia , quam vulgus in his talibus excercet , ad modeſtiam ac moderationem revocare , illius eſt profectò , non qui Hoſtem bellica virtute profligavit , ſed qui totum vitæ apparatum , intra ſapientiæ præſcriptum ac virtutis continere intellexit. Cum hoc animo , ſi dignum eo judicatis , quem in Principes non raro contuliſtis , enitendum nobis erit , ne ſi ſponte oblatum declinemus , illos ipſos quibus ornamento ſemper fuit , aut Rempublicam , quâ nihil ſapientius in terris extat , contemnamus. Si quid ſupereſt poſt illa , Ducum ſanguis Marce Antoni, *Principi ac Reipublicæ renuntiabis , nullos meliùs Honores collocari quam qui Eruditis impenduntur. Nam & animum capacem veræ laudis huic generi mortalium adeſſe : neque præter illos eſſe qui diuturnitatem beneficio conferre poſſunt. Quod in iis perit apud quos obliteratur.*

France.

CHAP. III.

I. *The Title of* Daulphin *in* France. Le Roy Dauphin, filz aiſne du Roy de France; *and* filz du Roy de France; *and of the Titles of the younger ſons.*

II. Princes du ſang, *or Princes of the Blood.* Primier Prince du ſang, *and the* Monſieur; *with their* Chaplets *or* Coronets.

III. *Other Titles of* Princes, *Perſonal and Feudal. The Title of* Captal, Capitalis, Capitaneus, *or* Capdaw. *Of* Coronets *belonging to theſe.*

IV. *The* Feudal Title *of* Prince *of* Guyenne, *given by King* Edward III. *of* England, *to* Edward *the* Black Prince *for life, and the Charter with the King's explanation of it. Something of this* Prince's *government there, and the ſurrender of his intereſt.*

V. *Of the Officiary Titles of* Dux *and* Comes, *and when they became to be of Feudal Inheritance in* France, *with the Soveraignty that antiently accompanied ſome of them.*

VI. *Of the* Creation *and* Inveſtiture *of ſome antient* Dukes *in* France, *by the* Sword, *and* Ducal Coronet; *with ſome other principal Ceremonies at ſuch* Inveſtitures.

VII. *The form of the* Creation *of* John *Duke of* Lancaſter *into the Title of Duke of* Aquitain *in the Parliament of* England *under* Richard II. *and his* Inveſtiture *by a* Ducal Cap, *and a* Rod of Gold.

VIII. *Of the* Coronets *of* Dukes *of the later times in* France, *and the forms of ſome later* Creations.

IX. *The Title of* Count, *as it hath been in the* Comites Majores, *and the promiſcuous uſe of it with* Duke; *and the diſtinction of* Duke, *as greater, from it.*

X. Comites Minores, *or* Counts *of Inferiour dignitie to* Dukes.

XI. *Of the* Creation *or* Inveſtiture *of* Counts; *and of the* Coronet *belonging to them.*

XII. *Forms of giving the* Counties *of* Bolloign *and* Flanders, *as* Counties *immediate to the Crown.*

XIII. *The form of giving the County of* Bigorre, *by* Edward *Prince of* Aquitaine.

XIV. *Other antient and later Grants of the Honour of* Count *without mention of any Rite of* Inveſtiture.

XV. *Of the Rite of* Girding on a Sword, *mentioned in ſome Charters of Creation of* Counts *in the Duchie of* Normandie.

XVI. *The Titular addition of* Palatin, *in* France.

XVII. *Of the* Peers *of* France; *and a form of Creation of a* Pairrie.

XVIII. Marqueſſes; *their antient and later* Creations *and their* Crownet.

XIX. Viſcounts; *the antient* Creation *of them, the* ſeveral ſorts *of them, and their* Crownet.

XX. *The* Original *and* Nature *of* Vidames.

XXI. Barons; *the general and particular* ſignification of the word and

and Title. *Their* Creation. Chaſtellains. *The* Fillet, *or* Crownet *of* Barons. *France.*

XXII. *Summary* Poſitions of Law, *touching moſt of the* French Feudal Dignities, *out of the Code of* Henry IV.

XXIII. Knights *or* Chevaliers *and* Knights Bannerets; *with the* Creation *of them. Of the right of bearing a* Banner, *or* Arms *in* Drappean quarrè.

XXIV. Knights Bachelors; *their* Creation *and the* Deduction of their name, *and the various uſe of* Bachelor. *And ſomething of their peculiar right of uſing* Seals.

XXV. *Of* Knights *of the Order of the* Star; *of Saint* Michael; *of the* Holy Ghoſt; *of the* Golden Fleece.

XXVI. *Of* Orders of Knighthood *of leſs note*; *eſpecially that* of the fair Lady in the Green field, *inſtituted under* Charles VI. *by* Meſſier Boucicaut *Mareſchal of* France.

XXVII. *Of* Eſquires *there.*

THe ſubordinate Titles in *France* are thoſe of *Daulphin*, with *Filz aiſne du Roy de France*, and of *Filz du Roy de France*, the *Monſieur*, *Prince du ſang*, and *Prince* in other acceptations, *Duke*, *Count*, Count *Palatine*, *Pairre*, *Marqueſs*, *Baron*, *Banneret*, *Chaſtellain*, *Chivalier*, or *Knight*, and *Eſquire*.

I. The heir apparant of *France*, being a ſon, is Titled *le Daulphin*. In the antient times (before this of *Daulphin*) no titular diſtinction appears of the eldeſt ſon or heir apparant from the reſt of the King's ſons there, beſides *Primogenitus filius*, or, as ſome ſay, *Monſieur*.

The original of the Title of *Daulphin*, as thus applied, was from *Humbert* Lord of *Vienne*, and of the Territory about it (which we now call *la Daulphinè*) or rather *Dauphin* of it. For ſo, antiently [a] in thoſe parts, they called the Lords of that Territory. And ſome give this reaſon why they did ſo. Becauſe one *Guy* an antient Lord there, divers Ages ſince, procured the Country to be called *la Daulphinè* or *Provincia Delphinalis*, out of a ſingular deſire [b] he had to perpetuate the name of *Dauphin* Earl of *Albon* and *Viennois*, to whoſe ſon he had married his Daughter. And thence the name of *Dauphin* was fixt (as they ſay) upon the Lords that ſucceeded, and *Dauphinè* on the Territory which they poſſeſſed.

But the beginning of the name there, is not certainly known, though it be known clearly enough, that very antiently the Lord of that Territory had it attributed to him; as in Letters of *Frederick* II. to his Captain in *Sicily*, the Count of *Vienna* is ſtiled *Delphinus* [c] *Comes Viennæ Conſanguineus & amicus noſter*, and in their Coats of Arms alſo they gave the *Dolphin* denoting as much. But that *Humbert*, which is expreſly called the *Dauphin de Viennois* in his Epitaph, which yet remains [d] in a Monaſtery of the *Jacobins* at *Paris*, upon the loſs of his only ſon and heir, being in deſpair of iſſue male, when he was overpreſſed by his enemy of *Savoy*, reſolved firſt to have transferred his whole Patrimony to the See of *Rome*; but was afterward diſſwaded by the *Dauphinois*, that were much more willing to become ſubject to the King of *France*, than to the Pope. At their requeſt therefore he changed his purpoſe, and

a *Paul. Æmilius lib. 8. in Phil. Longo.*

b *Ducheſne Antiq. & Recerches liv. 4. cap. 2* Delphinus Comes viennenſis & Albaniæ *A.D. 1227. Gollut. liv. 6. de ſes memories Chap. 46. & Chez du Cheſne en les preuves del' hiſt. de la Maiſon de Vergy liv. 2. pag. 158.*

c *Petr. de Vineis lib. 2. Epiſt. 49.*

d *P. Merula lib. 3. part. 2. cap. 40. vide ibidem cap. 17.*

at

France. at length ſo ſettled it (ſaith *Æmilius*) that it might continue to that ſon of *France* always which ſhould be heir apparant to the Crown. And that he ſhould be called *Daulphin* as the Counts of the Province before were. *Placuit* (ſaith [e] he) *filii Regum, ut quiſq; in proximum hæredem Regni ſuſcepti eſſent Delphini vocarentur juraq; Delphinatibus redderent.* Some alſo ſay, that it was conditioned that not only the name of *Daulphin* but the Arms alſo of the *Daulphinè*, quartered with thoſe of *France* were to be born by ſuch as ſhould [f] enjoy it by this gift. The Inſtrument of this gift, they ſay, was made the XXX. of March MCCCXLIX. and ſo transferred it unto *Charles* ſon and heir of *John* Duke of *Normandy*, ſon and heir of *Philip* of *Valoys* then King of *France*; the ſame *Charles* that was afterward *Charles* V. his Father, the Duke of *Normandy*, being King before him. The gift of it was ſome ſix years before intended to *Philip* Duke of *Orleance*, ſecond ſon of this King *Philip*. But afterwards it was thus ſetled upon this *Charles* who was the firſt *Daulphin* and heir apparant together. And ſome confounding that intent with the eſtate afterward thus ſetled, deliver the Original of it with ſuch errors as muſt of neceſſity follow ſuch a Confuſion. This *Humbert* had two Daughters alſo and from them the Counts *Daulphins d' Auvergne* (which title was in the Dukes of *Burbon*) were derived. But that of *Daulphin* of *Vienne* was the title which the ſon and heir apparant of the Crown had. But for the original of the title of *Daulphin* in the ſons and heirs or Kings of *France*, I add alſo a teſtimony of a Rabbin that thus delivers it; וקרבו ימי איש בירטו דילפינו מויאנה למות ויאמר אליו המלך הנך הולך בדרך כל הארץ ועתה זה הסדך אשר תעשה עמדי צו את ביתך וחן את הדאלפינאטו אל קארלו בן בני הבכור לאחוזה: ויאמר אימבירטו אליו יהוה שומע ביניתנו אם לא נדברך אדוני המלך כן אעשה היום הזה: מהיום ההוא והלאה היה הדלפינאטו: למלכי צרפת או לבניהם חבכור עד היום הזה: that is, *And in the days of* Imberto (ſo he calls *Humbert*) *the* Daulphin of Vienne *drew near to his death. And the King* (of France) *ſaid unto him. Obſerve Sir, that you are going the way of all the earth. Now command that the friendſhip or promiſe that you have made to me be continued* or performed *by your houſe, and conferr the* Dauphinè (or the *Delphinato* as he calls it) *upon* Charles *my eldeſt ſon's ſon for a poſſeſſion. And* Imbert *anſwered him, God be witneſs betwixt us that I will this day do according as my Lord the King hath ſpoken. From that time the* Daulphinè *hath belonged to the Kings of* France, *or to their eldeſt ſons to this day.* This Rabbi, is *Joſeph Sacerdos* or *Joſeph Ben Joſhuah*, and delivers this in his Hiſtory * of the Kings of *France*, and of the houſe of *Otoman* deduced down to 1553. of our Saviour. And he places it in the beginning of the reign of *Philip* of *Valois*, as the French Writers do. This firſt *Daulphin* that was heir apparant (being afterward *Charles* V.) to profeſs his title of *Daulphin* and the Arms of the *Daulphinè*, in his great Seal, ſits as ſupported by two *Dolphins*. In ſome of his Coins alſo the *Dolphin*, ſometimes with the *Flower de Lis*, is with the inſcription uſually of *Dalphs Viens*: for *Viennenſis*, and in other of his Monies, he hath the Dolphin otherwiſe. And *Charles* VI. hath ſometimes a Dolphin with only *Dalphs Vienn.* for the title on it, and ſometimes *Carolus Francorum Rex*, and *Dalphs Vienn.* But in ſome of *Lewis* XI. the Dolphin is on both ſides quartered with the Arms of *France*, and circumſcribed with *Ludovicus Dalphinus Vienenſis* only. Moſt of the following Kings of *France* have it in their Monies (as they are publiſhed) though I ſee not the Inſcription of the title of *Daulphin* in them after

[e] *Lib. 9. ſub Phil. Valeſio. Videſis P. Math. ad Guid. Pap. Deciſ. 233. Theodoric. Nihem. Hiſtor. 2. cap. 25. diſt. Guid. Deciſ. 361. Choppin. de Doman. lib. 3. tit. 3. §. 12. & lib. 1. tit. 6. §. 18.*

[f] *Du Haillan, &c. ſne, &c.*

* ספר דברו הומים *Helech 1. pag. 93.*

after *Charles* VIII. But however the Kings, while they were Kings, thus uſed the title of *Daulphin* in their Monies, yet the ſons and heirs apparent have been from that firſt *Daulphin Charles* ſtiled *Daulphin* or *Delphini* in Latin, and have that territory as their birth right belonging to their name, after, at leaſt, they be of age to have livery of it. The Kings otherwiſe uſe, with the name of King of *France*, *Daulphin* of *Vienne*, as appears in thoſe Coins. Therefore doth *Æmilius* always call *Charles* ſon to King *John Delphinus*, after the *Daulphinè* was in him. And ſo doth he the other of the ſons being heirs apparant through his Story. So that great Lawyer *Guido Papa*, who lived under *Charles* VIII. Preſident of the Parliament at *Grenoble*, ſpeaking of *Lewis* ſon and heir to this *Charles*, afterward *Lewis* XI. calls him *Dalphinus Viennenſis*. *Quia uſus* (ſaith [g] he) *reſcriptorum frequens eſt in hac patria Dalphinali propter reſidentiam illuſtriſſimi Principis Domini noſtri* Ludovici *Regis Francorum primogeniti Viennenſis Dalphini de præſenti in hac patria Dalphinali reſidentis, &c.* And *Dominus Delphinus*, for [h] *Monſieur le Daulphin* is often uſed [i] by him. But ſometimes alſo (according to thoſe old Coins) he ſeems to call the King, both King and *Daulphin*; the Crown and Dauphinate being both in one hand; as where he ſpeaks of that Statute of the *Daulphinè*, *Si quis per literas, &c.* he ſays it was made by *William de Area* Governour of the *Daulphinè* in MCCCCVIII. and confirmed *Per* [k] *Dominum noſtrum tunc Regem Delphinum ut patet in Camera Computorum Delphinatus.* The King that, being together King and *Daulphin* is underſtood by him here (if he mean ſo) is *Charles* VI. that time being the XXIX year of his Reign. But I ſee alſo that ſome of the French tell us, that the *Daulphin* is ſometimes called [l] *Le Roy Daulphin* for the excellency of his dignity according to that antient uſe in *France*, of calling the ſon and heir King in his Fathers life. And ſo this might be underſtood of [m] *Lewis* the eldeſt ſon of *Charles* the ſixth who was Daulphin in that year, MCCCCVIII. but died before his Father. And that Title of *Le Roy Daulphin* might have had the more uſe becauſe the Title of *Prince Daulphin* abſolutely is given to ſuch as are of the *Daulphinè* of *Avergne*. For ſo it is uſed in [n] an Edict of *Henry* III. made when there was no ſon and heir apparant or *Daulphin* of *Viennois*, which is the ſon and heir's proper Title. The *Daulpin* (ſays [o] *L'oyſeau*) in his ſtile calls himſelf, *Par la grace de Dieu filz aiſne du Roy de France, Daulphin de Viennois*, and ſo puts the title of *filz aiſne* before *Daulphin*, as alſo he doth before the Title of King, when he hath any Kingdom in his ſtile, as it appeareth in the ſtiles of them that have been Kings of *Navarr*, and in *Francis* II. that being *Daulphin* was alſo King of *Scotland*, as in right of the Queen whom he had married. But if the *Daulphin* be a Duke he places his Title of Duke after that of *Daulphin*; as *Henry* II. being *Daulphin* [p] under *Francis* the firſt, ſtiled himſelf *Daulphin de Viennois, Duc de Bretagne, &c.* But *L'oyſeau* underſtands this to have been ſo in regard that *Bretaigne* as other Duchies in *France* (in the later ages) was no ſoveraign Duchie, but of ſubaltern Juriſdiction, whereas the Seigniory of the Daulphin is a Seigniory ſoveraign. Indeed in the elder times when a ſoveraign Duchie was in the Daulphin, the title of Duke preceeded. The firſt *Daulphin* and heir apparent is ſtiled *Charles Duc de Normandie & Daulphin de Vienne*, in that confirmation of the Treatie at *Bretigny*, [q] between *France* and *England*. But *Charles*, the *Daulpin* to *Charles* VI. in the league between him and the Duke of *Burgundy* in MCCCCXIX. is [r] ſtiled *Daulphin*

France.

g *Guido Papa libell. de reſcriptis in initio.*
h *De hoc nomine Delphino attributo. Videſis Carol. L'oyſeau des Ordres cap. 7. §. 38*
i *Deciſ. 233. & 455. &c.*
k *In Proem. ad Comment. in Statut. Delphin.*
l *L'oyſeau des Ordres & chap. 7. §. 41.*
m *V. Tiraquell. de primog. queſt. 33. &c.*
n *Edicts des Roys Tom. 2. liv. 1. tit. 5. & vide Choppinum ad leg. Andium lib. 1. cap. 55. tit. 6. pag. 441.*
o *Des Ordres &c. chap. 7. §. 40.*
p *Videſis Bertrand. D' Argentre. Hiſt. de Bretagne liv. 13. cap. 70. & 71.*
q *Froiſſart. vol. 1. Chap. 212*
r *Ex Regiſtr. Parl. Pariſ. apud Tho. Bath. Epiſc. in collectione Ms. de jure Regum Angliæ in Regno Franciæ ſub Henrico 5. ſcripta fol. 138. in Biblioth. Cotton. Item in ſtatutis Delphina lib. ut videre eſt apud Ducianum en les preuves del liv. 8. de l'hiſt. de la Maiſon de Vergy pag. 372.*

France. *Daulphin de Viennois, Duc de Berry & de Torain & Cont de Poytou.* But as that of *Filz aisne* in the *Daulphin*'s Title is put before any Kingdom that he hath while he is *Daulphin*, so *Filz du Roy de France* (which belongs to all the yonger sons) is placed after the title of a Kingdom. As *Charles* Count of *Anjow*, and a younger son to King *Lewis* VIII. being King of *Sicily*, stiled himself *Roy de Hierusalem, Naples & Sicily, Filz du Roy de France, Counte D' Anjou, &c.* And *Charles* Count of *Valoys*, younger son to *Philip* III. being invested by the Pope into the Title of King of *Aragon* and *Valence*, stiled himself *Roy D' Aragon & de Valence Filz du Roy de France & Count de Valoys.* But if they had no such Title nor Appenages, they were wont to be called only by their Christian names with the addition of [f] *Monsieur*, as *Franzois Monsieur, Henrie Monsieur* and the like. And where they have Appenages, the [t] Addition of the Appenage is given them also.

[f] *Pasquier en les Recerches liv. 8. chap 5.*
[t] *Les Edicts des Roys de France. Tom. 2. liv. 1. tit. 4.*

But we conclude the title of *Daulphin* with that of *Robertus Cœnalis*; [u] *Duo tantum* (saith he) *reperiuntur toto orbe Gallicano tituli nulla adjectione decurtati. Rex enim sine pluri eorum lingua appellatur* Sire; *Delphinus autem* Monsieur. *Rursus quemadmodum Rex Christianissimus omnium consensu appellatur; Ita &* Delphinus *Galliarum Prorex, tantùm non unctus. His accedit quod per universam Galliam* Archidux *omnium in Gallia* Ducum *supremus habetur, non honorarius tantùm (uti Austriacus) imo, nisi pusilla vitat ætas, Dicæarcha.*

[u] *Perioche 14. pag. 108.*

II. The next after the King's Sons, or to the King, if he have no Sons, are those *Princes du sang*, or *Princes of the bloud*, which being not sons of the present King, have any possibility of inheriting the [x] Crown. The original of this Title (so communicated there as in no place else in Christendom) appears not. Some deduce it from the distinction which the younger Sons and their heirs, being great Dukes and Counts, made of themselves from such as were not of the blood, and yet being no less Dukes or Counts, were stiled Princes also, in those times when Honorary Duchies and Counts in that Kingdom were frequent. But if thence were the original, why should the younger Sons of these younger Sons and all whatsoever of the race that could not shew any likelihood of Inheritance, have the Title? For they were all *Princes du sang*, not all of them Dukes or Counts. In the elder ages also they are sometimes called [y] *Seigniors du sang*, and *Domini sanguinis*. The Title of Prince being omitted, but the memory of their blood being yet so preserved, as it was also, in the Ages before the *Carolin* Line began, by the wearing of long hair, which was (saith *Agathias*) γνώρισμα τῆς γένους ἐξαίρετον τῆ βασιλείῳ γένει, *A special Ensign and honour of those of the blood Royal*; touching which, there are other testimonies in *Gregorius Turonensis* [z] *Aimoinus*, [a] and the like. And *Landulphus* [b] *Sagax* speaking of the same note of the Lords or Princes of the blood of that age, hath this ridiculous passage of it, as if the Princes of the blood in those elder times had been bristle-back'd as Hogs are, *Dicebantur ex genere illo discendere Christiati quod interpretatur Trichorachati. Pilos enim habebant natos in spina veluti Porci.* He had it from some of the later *Greeks*. I think from *Theophanes*; And *Cedrenus* [c] hath the self same in his Greek. Ἐλέγοντο, saith he, ὅτι ἐκ τοῦ γένους ἐκείνης καταγόμενοι Κρισάται, ὁ ἑρμηνεύεται τριχοραχίται. Εἶχον γὰρ κατὰ τὴν ῥαχέως αὐτῶν τρίχας ἐκφυομένας ὡς χοίρους.

[x] *Vide Tilium de Reb. Gall. lib. 2.*
[y] *De stirpe & orig. domus de Courtney pag. 149.*
[z] *Hist. 3. c. 19.*
[a] *De gest. Franc. lib. 2. cap. 12. & videsis Hotoman in Franco-gall.*
[b] *Histor. Miscellan lib. 12.*
[c] *Hist. comp. pag. 373.*

The *Greeks* (as they often do) so mistook here, that in stead of hair hanging down on the backs of these Princes, they conceived they had their

their hair growing out of their backs as Hoggs have. When this cuſtom of diſtinction of Princes of the blood by their faſhion of hair ended, I have not yet learned. But, of the Princes of the blood at this day, he that is ſo near that he be the King's next brother, is the *Primier Prince du ſang*, and ſo [d] ſtiled, and *la ſecond perſon du France*, and hath the Title of the *Monſieur* abſolutely, or *Monſieur ſans queve* (as they ſay) or *Monſieur le Prince*, as the ſon and heir apparent hath that of *Daulphin*. But if there be no brother, or at leaſt the next heir be not a King's Son, then is the Title of *Primier Prince du ſang* given by Letters of Acknowledgement or declaration from the King (which ſome think needs not in caſe of a brother) and ſuch a Prince hath only the title of his Appenage, and not the Title of *Monſieur* as a brother hath. The Princes of the blood are moſt eminent both in privileges and place. They are *Conſeiliers nais* [e] *du Counſeil privè du Roy*, or *Counſellors born of the Privy Counſel*. And if they be much elder than the King, he ſtiles them his Uncles, if near of the ſame age, his Couſins, and if much younger, his Nephews. They enjoy alſo all the Privileges due to the Peers of *France*; of whom more preſently. They are free from the Fees of the Seal, from all Tolls, from Chartels of the Duel, and more ſuch which by *du Haillan*, *du Tillet*, and *L'oyſeau* are more largely delivered. *France.*

d *Loyſeau des Ordres Chap. 7. §. 54, 55. & Fauchet Orig. des dignit. liv. 1. chap 6.*

e *Loyſeau des Ordres chap. 7. §. 80. & 103.*

Their Place is conſiderable either between themſelves, or with regard to others. Heretofore divers controverſies have been [f] between them; whether the dignity of the Seigniory and Feudal Titles, or their nearneſs of blood, and degrees of ſanguinity ſhould be the meaſure of their place. But it hath been at length received clearly, that only by nearneſs of blood and their degrees they were to be ranked. Their dignity, being only from the blood Royal appropriated to them, is above all Feudal dignities whatſoever, as the French give the reaſon. The ſame reaſon alſo raiſes them before all whatſoever other ſubordinate dignities in the Kingdom. For, the eminency of the blood Royal in them being ſuch as that among themſelves (ſome of them being always of the greateſt feudal dignities alſo) no regard is had but only to their degrees of nearneſs to the Crown; much more ought no other regard to be had when they are to be ranked with others that have feudal dignities, and are not of the blood. Yet in the later age between the Peers of the blood, and thoſe that were not of the blood, the queſtion was not ſo clearly ſetled, but that this Edict was made to determine it by *Henry* the Third, who gave the place for ever afterward to the Peers of the blood.

f *Loyſeau ibid. §. 31. & 61. & Tilius de reb. Gall. lib. 2.*

HEnrie [h] *par la grace de Dieu Roy de* France *& de* Pologne, *a touts preſens & a venir ſalut. Sçavoir faiſons, que pour mettre fin auz procez & differens cy devant advenus entre aucuns* Princes de noſtre ſang Pairs de France, & autres Princes auſi Pairs de France, *ſur la preſeance a cauſe de leurſdites Pairries, & voulans obvier a ce que telles controverſes & difficultes n' adviennent cy apres: Nous, apres avoir ſur ce meurement de liberè avec la Royne noſtre tres-honoree Dame et mere, noſtre treſcher ec treſame frere le Duc d'* Anjou, *et es preſences de noz treſchers et amez couſins* le Car-

h *Les Edicts des Roys de France, &c. Tom. 2. lib. 1. tit. 5.*

France. dinal de Bourbon, Duc de Montpenſier, & Prince Daulphin, *Princes de noſtre ſang*, Cardinal de Guyſe, Ducs de Guyſe, de Nyvernois & du Mayne, Archeveſque & Duc des Reims, les Sieurs de Morvilliers, de Lenencourt, de Lanſſac, *Eveſque de* Lymoges, *de* S. Suplice, *de* Chaverny, *de* Biron, *de* Chavigny, *de* Pyennes, *de* Villequier, *& autres, tous Conſeillers en noſtre conſeil privè avons dit, ſtatuè & ordounè, diſons, ſtatuons, & ordonnons par edict irrevocable, voulons & nous plaiſt que d' oreſnanant leſditis* Princes de noſtre ſang Pairs de France *precederont, & tiendront rang ſelon leur degree de conſanguinitè devant les* autres Princes & Seigneurs Pairs de France *de quelque qualite qu'ils puiſſent eſtre, tant es ſacres et couronnemens des Roys, que es ſeances des cours de Parlement, et autres quelconques ſolennitez, aſſemblez, et ceremonies publiques; ſans que cela leur puiſſe plus al' advenir eſtre mis en diſpute ne controverſe, ſouz couleur des tiltres et priorite d' erection des pairries des autres Princes et Seigneurs, ne autrement pour quelque cauſe et occaſion que ce ſoit. Si donnons du mandement à nouz amez et feaux, les gens tenans noſtre cour de Parlament a Paris, que noz preſente dict, Statut et Ordonance, vouloir et intention, ils facent liure, publier et enregiſtrer, et le contenu garder, obſervir, et entreteiner de poinct en poinct ſelon la forme, et teneur, ſans y contrevenir ny ſoufirir y eſtre countrevenu en aſcun manier que ce ſoit: Car tiel eſt noſtre plaiſir. Et a fin que ce ſoit choſe firme, & ſtable a touſiours, nous avons fait metre noſtre ſeele à ceſdits preſents, Saufe en autres choſes noſtre droit & l' autruy en toutz; donne à* Bloys *au moys de* Decembre, *Lan de grace mil cinque cens ſeptant ſeize & de noſtre Regne le troiſieſme.*

To the Princes of the blood, ſome of the *French* attribute, for a bearing at leaſt over their Arms, this form of Coronet raiſed into Flowers de lis and Roſes, as *Favin* interprets them. But, for the Coronets or Chaplets of Princes of the blood, there is not conſent enough among the *French* Writers [i] to give a clear information. Some allow a Coronet to none of them but to the Kings children: Others reſtraining it from the younger Sons; others otherwiſe. And *Lewes d' Orleans* [k] notes, that, in the *Jacobins* at *Paris*, the Princes of the houſe of *Bourbon* are ſo repreſented (being buried there) that two of them have each on their heads *Une ligne de pierreries*, or a circle of ſtones only, and the third a plain circle without either Pearls or Flowers. But touching the quality of ſuch of them as live obſcured for want of ſuch feudal dignity as might ſupply them in the nature of Appenages, or are otherwiſe queſtioned about the pretence of their dignity of blood, there is matter enough ta large

i *L'oyſeau des Seigneuries chap. 1. §. 69. Moreau. cu. la Tableau des Armories chap. 6 pag. 246, & 247.*

k *En les ouvertures des Parlamens chap. 11. pag. 172.*

large handled by thoſe famous Lawyers *Antonius Peregrinus*, *Polydorus Ripa*, and divers others in that Book publiſhed at *Paris* 1607. *De ſtirpe & origine Domus de Courtney.* France.

But that ſingular title of our King *Henry* the Fifth, belongs to this place. In that famous League MCCCCXX. between him and *Charles* the Sixth of *France*, it was agreed that, the *Daulphin* excluded, he ſhould enjoy the Crown of *France* after the death of King *Charles*, be Regent in the mean time, and be ſtiled alſo *Heritier de France*, or Heir of *France*. Whereupon by his command [l] his Seals in *England* were ſo altered that in ſtead of the word *Franciæ* was cut, *Hæres Regni* Franciæ, or *Hæredis regni Franciæ*, as the caſe required. But in his Seals he added not that of Regent, though *Thomas* of *Walſingham*, tell us that the Proclamation concerning it was that he ſhould be hereafter *in ſuis apicibus* ſtiled *Rex* Angliæ *& Regens vel Rector* Franciæ *& Hæres apparens regni prædicti.*

[l] *Mich. 8. Hen. 5. in Scacc. ex part. Rein. Regis alibi.*

III. Beſides the Title of Prince in this of Prince of the blood, the ſame Title is otherwiſe variouſly given within the Territory of *France*. It is otherwiſe uſed, both as Perſonal and as Feudal. This Perſonal Title of it is either by Birth or by Creation. By Birth the Natural Sons [m] of the Kings and their Iſſues Male, are Princes, in reſpect of whom alſo the Princes of the blood are ſometime called the *Princes of the Crown*, as by a note of further diſtinction, becauſe that addition *du Corone* ſhews expreſly the relation they have to the Crown which thoſe other *Princes* have not. And although thoſe naturally are alſo of the blood, yet becauſe the firſt of them by reaſon of his being illegitimate hath not the civil rights of blood, and ſo cannot transferr it to his Poſterity, they have the Title only of *Princes*.

[m] *L'oyſeau de Ordres chap. 7. §. 86.*
[n] *Idem ibid. §. 99.*

They that have it by Creation, are ſuch as the King vouchſafes to create into this title, as when he giveth it to the Son of ſome other ſupreme Prince which *L'oyſeau* ſaies ſometimes [n] he doth. And ſo he notes two ſorts of *Princes* (having the Title meerly Perſonal) in *France*, the one the *French* Princes or Natural *Princes* (as he calls them) which are the illegitimate Sons and their Iſſue Male, and Stranger Princes, or Princes naturallized which are thus created. Both of them (he ſaies) have many of the ſame kind of preeminencies and privileges that the Princes of the blood have. They have precedence of all other great Lords of the Kingdom that are not Princes of the blood. And though they be Feudal or Titulary Lords otherwiſe; yet have they their Places from this Perſonal Title of *Prince* only, ſaving in caſe they ſit in the Parlament as *Peers*. For then their place is according to their *Pairies*. They are alſo reputed as born Counſellours of eſtate, and are to be ſaluted, with the Titles of Uncle, Couſin and Nephew, as the *Princes* of the blood. And more of this you have in *L'oyſeau*. For the Feudal Title of *Prince*; it occurrs in divers old Inſtruments attributed to the great Dukes and Counts there, which in antient time had their Provinces in Feudal Right, with almoſt all Sovereignty. *Du Tillet* hath examples of the Dukes of *Aquitaigne*, the Counts of *Tholouſe*, and other ſuch. And in the Cuſtumaries of [o] *Normandy* and [p] *Anjou*, the Dukes are called *Princes* alſo. And in the Inſcription of *Arnaud Squerer* to *Gaſton Comte de Foix* [q] in MCCCCLVI. he is called *treſhault & puichant Prince*. Divers more ſuch are obvious. Thoſe kind of great Dukes and Counts long ſince ended, as is anon ſhewed. But as theſe

[n] *Idem ibid. §. 93.*
[o] *Cuſt. de Norm. chap. 12.*
[p] *Cuſt. d'Anjou part. 2.* Vide *Choppin de Furiſd. Andegau. lib. 1. pag. 441. & L'oyſeau des Seigniories, chap. 3. §. 88.*
[q] *Hiſt. de Foix, Bearn &c. par l'Oligarchay.* Vide *Bert d'Argentr. Hiſt. de Bret. lib. 4. caſ. 31.*

France. theſe took to themſelves the name of *Prince* in regard of their Sovereignty, which was little leſs than Regal; ſo alſo it is likely, that ſome of the more eminent Lords that were neither Dukes nor Counts, and yet had ſuch Power, Juriſdiction, and Privileges, either by preſcription or uſurpation, that they might alſo, as well as thoſe Dukes and Counts, be ſtiled Princes, took to themſelves (in thoſe elder times when the Regal power was ſo diſtracted among the Nobility) the Title of *Prince* which continues in divers Lordſhips, that are *Principautes* to this day; as thoſe of [r] *Orange* and divers other of leſs note, as [r] *De Croy* in *Champagne*, *de Guemeine* in *Britagne*, *de Crequy*, *de Marcillac*, *de Carenoy*, *de la Daulphine d' Auvergne*, *de Chaſtellailon*, *de Janville*, and others. But the title of *Prince*, joyned with theſe, is now reputed ſo Feudal that it rather belongs to the Territory than to the perſon. *Hoc ſolum* (ſaith *Choppin*) *poſſeſſionibus inditum nomen eſt, feudatariæque poſſeſſionum dignitati verius quam perſonarum celſitudini.* And as thoſe Titles (as it is conceived) were aſſumed, ſo others have been created by the Kings of *France*. The Title of *Principatus*, or Principality, with relation to a Territory there given, is as old as *Gregory* of *Tours*. *Ennodius* (ſaies [t] he) *cum Ducatum urbium Turonicæ atque Pictavæ miniſtraret ad hæc & vici Julienſis atque Benarnæ urbium Principatum accepit.* There is the very name of the Principality of *Bearne*, which, though perhaps it were not then Feudal, yet in this paſſage is teſtimony enough that it was at leaſt an Officiary Title in thoſe dayes given by *Childebert*. And ſuch Officiary Titles were afterward made Feudal; and *Bearn* alſo is a Principality to this day. And ſome [u] great Lords, affecting the plauſible name of *Prince* have procured ſome of their Territories to be made Principalities from whence they might be called Princes, and alſo tranſmit the ſame Title to their eldeſt Sons, as the Earls in *England* do the Title of their *Baronies* or *Vicounties*. *L'equivoque d' entre les Princes & les Seigneurs des Principautes* (ſaith [x] *L'oyſeau* to the ſame purpoſe; and he is ſo ſcrupulous about the name, as if none ought rightly to have it, but ſuch as are perſonal Princes) *ou, pour mieux dire, d' entre les Princes de race & les Princes a cauſe de leur terre erigee en principautè, eſt cauſe, que pleuſeurs princes que craignent qu' on revoque en dout leur qualitè, & pleuſieurs grandes Seigneurs que deſierent eſtre tenus pur Princes, ſont curieux de faire eriger une de leur terres en Principautè; dont par apres ils baillent voluntiers le tiltre a leur filz aiſne*, which he ſaies is done *a l'imitation de ce que la plus part des Roys de la Chriſtientè ſont appeller leur aiſne le Prince indefinitement.* But I find not the French Writers agree in the eſtimation of this dignity. *Du Tillet* (whom alſo *L'oyſeau* follows) will have it leſs than a Count, and above a Baron; and ſhews indeed how their Principalities were ſubordinate to [y] Counties. And therefore he ſaies, that ſuch of the Princes of the blood as have gotten ſuch Principalities to be erected for them, have rather leſſened their own dignities, which are above all kind of Feudal *Princes*, than gained any honorary Title worthy of themſelves by it. And I remember in an Edict of *Charles* [z] V. touching compoſition for Crimes, the Title of *Prince* is rankt in enumeration after *Baron*, as *Prelate*, *Baron*, *Prince*, *Chevalier*. But for the greatneſs of the Title of *Baron*, ſee what is anon ſhewed where we ſpeak of the uſe of it in *France*. And for the Title of *Prince*, others otherwiſe. But *Choppin*, though he call them *Minorum gentium Principes*, yet in this expreſſion ſeems to ſuppoſe the Title equal to the higheſt Feudal dignity. *Principalium Feudorum* (ſaith he) [a] *ſpecies appellatióque*

r Videſis *Choppin. de Domanio. lib.* 3. *tit.* 6. §. 30.

s *Idem de Juriſd. Andegau. lib.* 1. *tit.* 6. *pag.* 441. *Vide etiam de Doman. lib.* 1. *tit.* 5. §. 10.

t *Hiſt. Franc. lib.* 9. *cap.* 7.

u Vide *Choppin de Juriſd. Andegau. lib.* 1. *pag.* 441. *in margine.*

x *Des Seigneuries &c. chap.* 5. §. 76.

y *Videſis item Choppin. de Domanio lib.* 3. *tit.* 6. §. 30.

z *Edict. &c. Tom.* 1. *lib.* 3. *tit.* 85.

a *De Juriſdict. Andegau. lib.* 1. *tit.* 6. *pag.* 441. quem interim. *Vide loco libri* 3. *de Domanio jam citato.*

pellatióque Feudistícis legibus incognita, sed à nostris recepta commentitio jure quasi principalis summique Feudi Simia quodammodo ac imitatrix. And *Carolus Paschalius* speaking of *Duces Majores & Minores* (he means by *Majores*, the first of those antient Dukes of *France* that had all Sovereignty in their Territories; And by *Minores* such as are at this day having no other Sovereignty than what is subject to the King's power) makes a like division of *Princes*, into *Majores* and *Minores*. The *Majores* to him are the *Princes* of the blood, the *Minores*, the Feudal Princes. *Minores Principes* (are [b] his words) *voco illos qui stemma nequaquam ducunt à Regibus, sed quibus est concessus ager, urbs, ditio, Feudum, cui nomen Principatus, ejúsque Domino ac possessori permissum ut vocetur* Princeps *propria nimirùm ac peculiari appellatione, quæ talem Dominum distinguit ab aliis aliorum Feudorum Dominis, hoc est* Marchionibus, Comitibus, Baronibus. *Nempe, hi omnes in hoc sunt similes, ut sint in perpetua clientela atque adeo in ditione Regum.* Then he saies, these *Principes Minores* are so near equal to the *Duces Minores*, that it is hard to tell which are the greater. *Hic quoque minor Principatus est minori Ducatui* (as he writes) *æmulus; neque cui prærogativam des facilè dictu est.* And this most especial mark of their greatness he gives, that, for the most part, they use the same kind of *Coronet* which the greater Princes do, wherein he is deceived, if *Favin* deceive not. For in *Favin* the *Princes* of the blood (which are the same that *Paschalius* calls the greater *Princes*) use a Coronet raised into Flowers de Lis and Roses (or as some would have it Oak leaves, or some other leaves) as is before expressed. But for other *Princes*, though Sovereign, the Coronet in *Favin* or Chaplet (as he calls it) is *Espanovie de Roses*, or blossomed with Roses, in this form, and the Gold set with stones.

Others also say [c] that these Feudal *Princes* should have only *Un circle d' or pur ou esmaille de Fevillages*, only a circle of Gold enammelled with leaves or such like. Thus *Philip Moreau*; who tells us also that the Title of *Captall* and *Captalat*, is in some places of *France*, for this of *Prince* and *Principality*; and he brings an example of the Counts of *Candall* that have the Titles of *Captals* of *Buch*, and in *Latine* have been under that name called *Principes*. And he adds, that in a glass window of the Covent of *Recolez* at *Bourdeaux* there is the Picture of one of these *Captals* having on the head a circle of Gold enammelled with something wrought upon it. And that the Arms of the later Lords of *Candalle*, have flowry Chaplets, or *sont tymbres de Couronnes a hauts Fleurons*, as his words are. But I see him not add enough to perswade that either the circle put on the head of the one or the Chaplet or Coronet on the Arms of the other had place there as belonging to a *Captall*. For both that old *Captall* and the rest were Counts also (as he confesseth) the first of *Benanges*, and the other of *Candalle*. That which he calls *Candalle* is our *Kendall* in *England*, of which *John de Foix*, *Captall de la Buch* (or *Capdaw* in *English*, as sometimes [d] this Title is called in our Records, or *Capitalis*, or *Capitaneus* in [e] *Latine*) *Count de Longeville & Benanges* was created Earl by our *Henry* the Sixth.

[b] *De Coronis lib.9.cap.23.*

[c] *Philippes Moreau en le tableau des Armories de France chap.6. pag.245.*

[d] *Rot.Parl.28. Hen.6.art.31.*
[e] *Rot.Vascon. 44.Ed.3 membr.8.n.4.Vasc. 4.H.6.m.1.n. 1.& sæpissime in Archivis Regiis.*

IV. But we cannot omit here the Feudal Title of *Prince* given by our King *Edward* the Third, when he made his eldest Son *Edward* the *Black Prince*, *Prince* of *Guienne*. It is but toucht only, in the Stories of

France.

France. of either Nations, and that but in some of them. We shall therefore the more fully shew it as a singular example of a Creation. In that famous Treaty of Renunciation at *Bretigny* near *Chartres*, on the behalf of the two Kings *Edward* of *England*, and *John* of *France*; it was agreed [f] that the City, Castle, and County of *Poictiers*, and all the Country of *Poictou*, *Thovars*, *Belville*, *Xaintes* and *Xanctogne* with the Town and Fortress of *Rochel*, the City and Castle of *Agen*, and the County of the *Agenoys*, *Perigort*, *Lymoges*, *Cahors*, *Tarbe*, *Bygorre*, *Gaure*, *Engolesme* and all Parts belonging to them, together with some other Countries, and all that the King of *England* had in *Guyenne* and *Gascoigne* should be enjoyed by King *Edward* his Heirs and Successours, *sans nul resort & Soveraigntie au Royaume de France*, or in such sort that no kind of Power or Supremacy should be over them in the *French* King, or as it is more at large in the Confirmation of the Treaty, *En tout Franchese & liberte perpetuel, come Seigneur Severaigne, & Liege & voisin au Roy de France & au Royaume de France, sans y cognoistre Soveraignty ou faire obeysance, hommage, ressort, & subjection & sans faire au temps avenire aucun service ou Recognisance au Roy ou a la Couronne de France, Des Citez, Countes, Chasteaux, Pays, terres, Iles, Lieuz & Personnes Devant nommes ou pour aucun d'icelles.* Other particulars be accorded on both Parties. King *Edward* within a short time after he had possession according to this Treaty (whereunto the *Daulphin*, afterward *Charles* V. was also Party) gave by Charter *Guyenne* and *Gascoigne* by the name of a Principality to the *Black Prince* for life, and in the same Charter created him Prince of *Guyenne*, and also granted unto him those other Castles, Towns, and Counties with the Government of them, reserving to himself Power to erect *Guyenne* into a Kingdom, and retaining also the resort and sovereignty over both the Principality and the rest that was given with it. This Charter was dated the XIX of *July* in MCCCLXII, or the XXXVI of *Edward* the Third. And besides the Charter of Creation, there was another dated the same day, of explanation, by which the King more particularly declared the sence of his reservation of resort and sovereignty and besides of an ounce of Gold yearly payable to him by the Prince in his Palace at Westminster on Easter day. This Charter of explanation hath thus in it wholly that also of the Creation. The Margine of the Roll [g] is, *Pro* Edwardo *Principe Aquitaniæ & Walliæ.*

[f] *Froisart. vol. 1. chap. 212. & vide sis Paul. Æmil. lib. 9. Th. Walsingham, Anno 1360. &c.*

[g] *Rot. Vascon. 36. Ed. 3. membr. 18. n. 17.*

LE Roy a touz ceux qui cestes letres verront ou orront, salutz. Combien que au jour present nos ajons donneez a nostre treschер ainsnez fitz *Edward Prince de Gales*, le noun, renomee, & tiltre de la *Principaltee d' Aquitaigne*, transportantz en sa persone a sa vie tantseulement, toutes les Citees, Countees, Chasteux, terres, pays, Villes, Fortresses, Isles, Provinces, & lieux que nous avons & devons avoir per my la paix faite darreirement, entre noz & nostre treschер frere le Roy de *France* au pays *d' Aquitaigne*, & celles ansi que noz avons & tenons ou devons avoir & tenir en toute *Gascoigne* ensemble homages, ligeances, honores, obeissances, vassaulz, feez, arrerefiez, Services, recogneissances,

cogneiſſances, droitz, mier & mixte Empire, & les Juriſdi- *France.*
ctions hautes, moyenes, & baſſes, ſalves gardes, advoeſons, & Patronages des Eſgliſes Metropolitiques, & Cathedrales, Abbeyes, Priories, Monſtiers, Hoſpitalz tant Seculeres, que reguleres, & de quelcunqes autres benefices deſgliſe appurtenantz a noz per cauſe ou occaſion des choſes deſſuſdites, devoir, Cens, Rents, Confiſcations, Emoluments, Profitz, Reverſions, & toutes maneres dez droitz & toutes leur autres appurtenances, & appendances auſſi entierement & perfaitment come noz les tenions ou aucuns de noz progenitors les tindrent en acun temps paſſe, a tenir, deſouz nos & noſtre Seigniorie *d' Acquitaigne* per homage liege, ſicome ceſtes choſes & autres ſont pluis largement compris en nos autres letres ſur ce faites, dont la tenor ſenſuit.

EDwardus *Dei gratia Rex* Angliæ, *Dominus* Hiberniæ & Aquitaniæ *cariſſimo Primogenito noſtro* Edwardo Principi Walliæ, *Salutem. A Regale ſolio, velut à ſole diſtenſi radii, ſingulæ temporales prodeunt dignitates ut ex hiis primæ ſublimitatis integritas minorationis detrimenta non ſentiat, ſed à ſuis potius curis & ſolicitudinibus relevata tanto ſecurior perſiſtat, in proſperis regatur, & protegatur continue, in adverſis quanto pluribus et excellentioribus ſubſidiis fulciatur. Stat tutum tribunal Regium multorum Principum ſtipatum potentia. Gaudent et ſubditi Domini ſui Principalis perſonam in Sanguinis et generationis ſuarum effigie frequentius intueri, et ſibi fore proſperum reputantes quod ubi eorum Dominus Principalis per ſingulas dominationis ſuæ Provincias non poterit perſonaliter intereſſe, hæredem ſuum futurum, ſi natura ſuum rectum ordinem perſequatur, continuatis temporibus aſſiſtere ſibi vident, quo tranſgreſſorum inſolentiæ ex honore & poteſtate juris ſibi traditi, ad tutelam fidelium, puniantur frequentius, & aliorum laudabilia & fructuoſa obſequia dignæ retributionis commercio compenſentur. Hac igitur conſideratione Fili noſter chariſſime, necnon multis aliis cauſis rationabilibus excitati; te, qui nuper in* Aquitaniæ & Vaſconiæ *partibus, dum in ipſis guerrarum turbatio frequens ingruerat, æſtivos pro nobis pulveres & ſudores bellicos non vitaſti, ſed ſub titulo & vocabulo locum tenentis noſtri noſtras ſollicitudines & abſentiam tua ſupplens præſentia prolixo ſatis tempore ſupportaſti, intendentes viciſſitudine gratuita honorare, ſubſcriptarum terrarum & Provinciarum ac totius* Aquitaniæ

France. taniæ & Vaſconiæ Principatum, *præſentium literarum noſtrarum Epigrammate tibi, de prærogativa poteſtatis Regiæ, conferimus & donamus, volentes & concedentes quod omnium & ſingulorum locorum, terrarum, & Provinciarum hujuſmodi ſub nominibus et Dominii noſtri ſolio et regimine ſis de cætero verus* Princeps *et* Principis Aquitaniæ *honore, titulo, appellatione, et vocabulo potiaris libere quamdiu manſeris ſub hac vita, etiam ſi per nos hujuſmodi Provinciæ ad Regalis honoris titulum et faſtigium impoſterum ſublimentur, quam erectionem faciendi per nos ex nunc ſpecialiter reſervamus. Et ut collatus honor hujus nominis tibi ſit impoſterum favente Domino, fructuoſus, de mera noſtra liberalitate et ex certa ſcientia damus tibi et concedimus et in perſonam tuam duntaxat transferimus jure et modo quo poſſumus meliori Civitates, Caſtra, Villas, Terras, Loca, et Provincias infra ſcripta et quicquid juris poſſeſſionis et proprietatis habemus vel quovis modo habuimus, aut progenitorum noſtrorum aliquis habuerit hactenus ad eadem quomodolibet vel in ipſis (directo eorum dominio ac ſuperioritate nobis ſemper ſpecialiter reſervatis) videlicet Civitatem et Caſtrum,* necnon *totam terram et Patriam* Pictavenſem, *una cum feudo* Thoarcii, *et terra de* Belleville, *Civitatem et Caſtrum totámque terram et patriam* Xantonenſem *citra et ultra* Carentonium, *Civitatem et Caſtrum totámque terram et patriam* Agenenſem, *Civitatem et Caſtrum totámque terram et Patriam* Petragoricenſem, *Civitatem, Caſtrum totámque terram et patriam* Limovicenſem, *Civitatem, Caſtrum totámque terram et patriam* Caturcenſem, *Civitatem, Caſtrum totámque terram et patriam* Tarnienſem, *terram, patriam, et Comitatum de* Bigorra, *Comitatum, terram et patriam de* Gaura, *Civitatem, Caſtrum, terram & patriam* Engoliſmenſem, *Civitatem, Caſtrum, terram et patriam* Ruthenenſem; *Et inſuper Civitatem et Caſtrum* Aquenſem, *et Villam, et Caſtrum* Sancti Severi, *ac omnia Civitates, Caſtra, Villas, Loca, terras univerſámque patriam tam* Aquitaniæ *quam* Vaſconiæ. *Habendum et tenendum à nobis ſub homagio ligio, (prædictis Dominio directo ac ſuperioritate nobis, ut præmittitur reſervatis) Tibi quoad vixeris, omnia et ſingula Civitates, Caſtra, Villas, loca, terras, Comitatus, & Provincias ſupra dicta una cum omnibus Inſulis eiſdem adjacentibus, homagiis, ligeantiis, honoribus, obedientiis, vaſſallis, feudis, retrofeudis, ſervitiis, recognitionibus, Juribus, mero & mixto Imperio, & cum Juriſdictionibus altis, mediis, atque baſſis, ſalvis gardiis, advocationibus, & patronatibus Eccleſiarum Metropoliticarum*

et

& Cathedralium, tam Secularium quam Regularium & aliorum Eccleſiaſticorum Beneficiorum quorumcunque ad nos præmiſſorum occaſione vel cauſa pertinentium ſeu ſpectantium, deveriis, Cenſibus, redditibus, proventibus, confiſcationibus, emolumentis, & proficuis, reverſionibus, univerſiſque juribus & pertinentiis ipſorum, adeo integrè & perfectè ſicut nos ea tenemus ad preſens tenuimus & habuimus & tenuerunt aut habuerunt progenitorum noſtrorum aliqui ullis unquam temporibus retrolapſis. Ad tuorum inſuper honoris & nominis validius fulcimentum hanc tibi autoritatem et potentiam ſpecialiter impertimus de terris, locis, et juribus antedictis, perſonis bene meritis donandi et concedendi in Feudam et Domanium perpetuo vel ad tempus illa videlicet terras et loca, quæ de Domanio noſtro antiquitus nullatenus extiterunt prout tibi placuerit & fore videbitur; faciendi, cudendi et fabricandi monetas auream et argenteam, et aliam qualemcunque, ac magiſtris et operariis earundem, indulgentias et privilegia talibus dari ſolita largiendi, amortizandi et inſuper terras loca et reddituſ liberè aut ſub finantia que ad manum mortuam dantur ad præſens, dabuntur ſucceſſuris temporibus vel etiam relinquentur; Nobilitandi etiam perſonas ignobiles; Seneſcallos, Judices, Capitaneos, Conſules, Tabelliones publicos, Procuratores, receptores, et quoſcunque officiarios alios creandi inſtituendi et ponendi in ſingulis locis Provinciarum hujuſmodi, et quando et quotiens opus erit inſtitutos et poſitos Officiarios antedictos amovendi et loco amotorum alios ſubrogandi; bannitos et criminoſos quoſlibet Provinciarum hujuſmodi præſentes præteritos et futuros ad ſtatum famam et patriam ac bona eorum mobilia et immobilia reſtituendi et revocandi et plenam perdonationem et remiſſionem de commiſſis et committendis criminibus in Provinciis antedictis etiamſi propterea fuerunt ultimo ſupplicio condemnati, ſeu condemnandi et fuerunt de Provinciis alienis, concedendi dandi et faciendi eiſdem; quibuſcunque Civitatibus, Caſtris, Villis, et locis, Eccleſiis, Eccleſiaſticiſque Perſonis, Monaſteriis, Collegiis, Univerſitatibus, et perſonis ſingularibus cujuſcunque conditionis exiſtant, privilegia, immunitates, franchiſias, libertates, & indulgentias perpetuas ac temporales quaſlibet largiendi et etiam concedendi, et conceſſas eis antiquitus necnon ipſorum uſus et conſuetudines alios (ſi tamen contraria non fuerint paci et accordo facto ultimo inter nos et cariſſimum fratrem noſtrũ Regem Franciæ*) autoritate noſtra confirmandi quando et quotiens ſuper hoc fueris requiſitus, et quælibet alia faciendi et exercendi quæ verus* Princeps Provinciarum *hujuſmodi ad* France.

France. *tutelam et regimen eorundem incolarum et ſubditorum ſuorum quietem poſſet facere vel deberet. Quæ omnia et ſingula ſupradicta donata, alienata, conceſſa, largita, autoritizata, reſtituta, revocata, perdonata, remiſſa, conceſſa, confirmata, facta, geſta, et expedita per te et deputatos tuos habere volumus et exnunc prout extunc perinde habebunt perpetuam firmitatem ac ſi ea per nos ipſos geſta facta & expedita ut præmittitur extitiſſent; Et ex habundanti & quatenus opus fuerit pro ipſorum firmitate majori exnunc prout extunc laudamus, acceptamus & approbamus eadem ac tenore præſentium confirmamus. Datum ſub magni Sigilli noſtri teſtimonio in Palatio noſtro Weſtmonaſterii die* XIX. *Menſis Julii, Anno Domini milleſimo* CCC. *ſexageſimo ſecundo, & Regni noſtri triceſimo ſexto.*

NOus pur ouſter toutes doubtantes & contentions que purroient avenir en ampres ſur ceſte matire, &, a fin que la choſe ſoit le pluis clere, per haboundant & dereſchiefe Nous reſervons a nous & a noſtre Mageſte Royale per expreſſe & per la tenor des preſents, la directe Seigniorie, toute la Soverantee & reſort de toute la Principaltee *d' Aquitaigne*, & de *Gaſcoigne*, & de toutes les Citees, Countees, Chaſtealx, Terres, Pays, Villes, Fortreſſes, Iſles, Provinces, & lieux & de touz les Prelats, Contes, Viſcontes, Barons, Nobles, & autres Subgiz & enhabitantz les dites Provinces les queux nous avous dones a noſtre dit emſores filz & tranſportez en ſa perſone par le tenor de nos letres perdeſus encorpores. Et volons & declarons que la directe Seigniorie toute la Soverantee & le reſort adeſſus touches, ſoient & demoerent a touz jours a noy & a noſtre dite Mageſtee a uſer les ditz reſorts en lieu & temps a ſicome bon nous ſemblera queles nos ne volons ne penſons delaiſſer ne tranſporter a noſtre dit filz per le dit tiltre de *Principaltee* ne per autre choſe quecunque compriſe en nos dites letres. Et a indice overte & clere demonſtrance que noſtre dit filz tendra & deura tenir deſouz nos a noſtre dite mageſtee &, per homage liege la quele il nos ad fait de preſent, toutes les dites choſes & cheſcun dicelles, il nos devera paier cheſcun an a noſtre Palays de Weſtmonſter, a la feſte de Payſqes un ounce d'or dont il noz ad deſiamis en poſſeſſion & ſaiſine enſegne a recogniſſance de noſtre Seigniorie Soveraigne la quele choſe an nonn d'apport & cens annuele, nous lui impoſons et ſtatuons reelment et de fait de certein ſcience et de noſtre auctorite et pleine puiſſance, et volons quil le paie as

lieu

lieu et terme et ſicome deſſus eſt dit, Reſervantz à noz expreſſe et eſpeciale poiſſance dattroiſtre et enoiter la dite impoſition et cens annuele a paier a noz en autres choſes et termes et ailleurs ſicome il noz ſemblera a faire pur temps avenir en conteſſoiz conſideracion et regard a leſtat ne noſtre dit filz et a les charges que luy covendra de neceſſite ſuſtenir et porter pur government des pays deſſuſditz. Donne per teſmoignance de noſtre grant Seal a noſtre Palays de *Weſtmonſter* le XIX jour de Juyl lan de grace, Mill. Triſcenteſſ. ſexante et deux, et, de noſtre Regne, Trente ſiſme. *France.*

But by reaſon of an omiſſion of theſe words, *Ac etiam Civitatem & Caſtrum Burdegalæ ac Civitatem & Caſtrum Bajonæ*, which ſhould have come immediately after *Caſtrum Severi*, the Charter it ſelf was renewed with the ſame [f] date and an Addition of thoſe words. The *Black Prince* had divers years poſſeſſion of it according to this Grant, and the King his Father had his Delegates there, or his Judges, *De la Soveraintie & du reſort* that heard all cauſes upon [g] appeal from the *Princes* Juriſdiction. The *Prince* ſtiled [h] himſelf *Princeps Aquitaniæ & Walliæ*. But in the Letter of *Charles* V. of *France*, by which he ſummoned the *Prince* to the Chamber of *Peers* or his Parlament, for that matter of Impoſitions or *Fovage* that he laid on thoſe of *Guyenne*, he is ſtiled *Prince of Wales* and *Aquitaine*. For the exerciſe of his Power in the Principality; ſee the Stories of *France*; and eſpecially *Bouchet* his Annals of *Aquitaine*, and *Gabriel de Lurbe* his Chronicle of *Burdeaux*. But about X years after the Creation, he ſurrendred his whole right to the King his Father, who then governed thoſe Countries again by Lieutenants as he had done before he created him. The Surrender was made the V of *October* in [i] the XLVI of this King *Edward*, or MCCCLXXII.

[f] *Rot. Vaſc. 36. E. 3. membr. 17. n. 16. & membr. 16. n. 15.*

[g] *Vaſc. 44. Ed. 3. membr. 4, & 5.*

[h] *Vide infra* §. 13.

[i] *Rot. Vaſc. 47. Ed. 3. membr. 2. n. 2.*

V. The ſame beginnings of the Titles of *Duke* and *Count* which are already declared in the firſt Chapter of this Book (for the deduction of thoſe Titles into ſuch ſtate as they are now in the Empire) belong equally to the Titles of *Duke* and *Count* in *France*. Yet other Teſtimonies are, which being more proper for *France*, were reſerved for this place, and may add further light alſo (if any be yet wanting) to thoſe of the Empire. The French Kings in the more antient times (by the French Kings, I mean the ſeveral Kings of Territories in *France*; as not only the Chief that are known by the name of Kings of *France*; but thoſe of *Burgundy*, *Aquitaine*, *Bretagne*, and ſome ſuch more) uſed to commit their *Provinces* ſometimes to *Patricii*, ſometimes to *Counts*. The Commiſſion gave them Juriſdiction both Civil and Criminal, and the Officiary Dignities were in the abſtract called *Ducatus*, *Patriciatus* and *Comitatus*; and above M years ſince this was a form of the Commiſſion. *Præcipue* [k] *Regalis in hoc perfecta collaudatur clementia, ut inter cunctum populum bonitas & vigilantia requiretur perſonarum. Nec facile cuilibet judiciariam convenit committere dignitatem niſi prius fide & ſtrenuitas videntur eſſe probatæ. Ergo dum & fidem & utilitatem tuam videmus habere compertam ideo tibi actionem* Comitatus, Ducatus, Patriciatus,

[k] *Marculph. Form. lib. 1. c. 8.*

France. atus, *in Pago quem anteceſſor tuus* N. *uſque nunc viſus eſt regiſſe, tibi ad agendum regendúmque commiſſimus, Ita ut ſemper erga regimen noſtrum fidem inlabatam cuſtodias & omnes populi ibidem commanentes, tam* Franci, Romani, Burgundiones *vel reliquæ nationes ſub tuo regimine & gubernatione degant & moderentur & eos recto tramite ſecundum legem & conſuetudinem eorum regas, viduis & pupillis maximus defenſor apparens, latronum & malefactorum ſcelera à te ſeveriſſimè reprimantur, ut populi bene viventes ſub tuo regimine Gaudentes debeant conſiſtere quieti, & quicquid de ipſa actione in fiſci ditionibus ſperatur, per voſmetipſos annis ſingulis noſtris ærariis inferatur.* There is alſo Teſtimony enough of particulars of theſe Officiary Dignities in *Gregorius* [l] *Turonenſis*, *Aimoinus*, and others that write theſe elder times which are before *Charles* the Great. Examples of *Duces*, & *Comites Provinciarum* here need not; becauſe they are common. But for *Patritius* to be referred to a Province; becauſe it is not ſo obvious, I note one or two. *Salomon* by the name of *Patricius Africæ* is remembered in *Victor* [m] *Tunnunenſis*. And for *France*; *Amalus Patricius Provinciæ qui Gunthramno Francorum Regi parebat*, in *Paulus* [n] *Warnfredus*. And other ſuch were within the Territories of *France*. Theſe three Officiary Titles (as it appears by the Commiſſion) had the ſame power in the Province annext to them. So that a *Patricius* of a Province had but the like Office or Juriſdiction, as a *Dux* or *Comes*.

l *Hiſt. lib. 8. cap. 18. 30. lib. 9. cap. 7. &c. lib. 5. cap. 13.*

m *In Chronic.*

n *De geſt. Longobard. lib. 3. cap. 3.* & videſis *Nicolai Vigenerii Chron. Burgund. pag. 29. ſub Anno 591.*

In the following times, from the age of *Marculphus* (out of whoſe ſtore of Preſidents of the time we have that form of the Commiſſion) the uſe of the Title of *Patricius* in the Provinces of *France* is rare enough, unleſs we conceive with ſome of the French that the Title of *Peers* there was but the ſame dignity expreſt out of Latine into French, touching which more where we ſpeak of Peers. But the Titles of *Dux* and *Comes*, with relation to Provinces, are exceeding frequent there in all ſucceeding Ages. Thoſe Dignities of *Comes* and *Dux*, being firſt at the King's will and only Officiary, became afterward to be joyned with Feudes, firſt for life. And at length they were alſo, with the Feudes, tranſmitted to Heirs. Divers of the French place the beginning of the Tranſmiſſion of them to Heirs, in the time of *Hugh Capet*, which falls about DCCCCL. of our Saviour. But plainly long before that, ſome of the greateſt Counties or Duchies, in what was then the Kingdom of *France*, were erected, and the Titles of Count or Duke promiſcuouſly attributed to ſuch as had them, and that with eſtates of Inheritance.

o Videſis *Jan. Douſ. Annal. Holland. lib. 5. pag. 113.* & *Cod. Donationum Auberti Miræi.*

p Vide *Johan. de Beka in rebus Ultrajectivis in Hungero Epiſcopo, 11. pag. 19.* & *Epiſcop 41. pag. 89.* & *Epiſcop. 45. pag. 100.* & *Epiſcop. 47. pag. 106.*

The Country of *Holland* was given by *Charles* [o] the Simple to *Thierry* and his Heirs in the year DCCCXIII. although afterward [p] it came to be reputed a Fief of the Empire. But for that matter, ſee eſpecially the moſt Learned *Hugo Grotius* in his firſt Chapter *De antiquitate Reipub. Bataviæ.* About the ſame time *Rollo* had the Duchy of *Normandy* given him in like manner. And ſome are alſo before theſe. The Forreſters of *Flanders* (which were as Counts) had that Territory, and tranſmitted both it and the dignity to their Poſterity. It was firſt ſetled upon *Liderique* [q] by King *Clothar* II. and afterward (that dignity being ended in his Iſſue) *Charles* the Bald, in DCCCLXIII. created *Baldwin* Count of *Flanders*, from whom the dignity, as Feudal, was derived to his Heirs. Divers other like are in thoſe times which make it clear that the beginning of the tranſmiſſion of Feudal Dignities to Heirs, was not under *Hugh Capet*. But indeed it is true that firſt under *Charles*

q *Marchant. Flandr. lib. 2. Ferreol. Locrius Chronic. Belgic. Tom. 1. pag. 55.* & *Tom. 2. pag. 123.* & *ſeq.*

r Videſis *Vincent Cabot. diſputat. lib. 2. cap. 30. Bertrand. d' Argentre Hiſtor. de Bretagne lib. 4. cap. 6.*

the

the Simple and afterward under *Hugh Capet* many of the great Feudal Dignities of the elder times, became firſt inheritable, and had little leſs than ſupreme Power joyned with them by reaſon chiefly of that weakneſs into which the Crown in both thoſe times was fallen. For with divers of thoſe Feudal Dignities, that then were given or permitted to the poſſeſſion of ſuch great Lords as had gained them, all Juriſdiction Civil and Criminal without Appeal, and ſuch a Soveraignty, as that nothing was left in the Crown ſave only a Supremacy acknowledged by homage, [r] accompanied the poſſeſſion. And ſuch a ſovereignty in Duchies and Counties, divers Dukes and Counts there enjoyed until within the later Ages, when almoſt all the antient Duchies and Counties, with ſuch Sovereignty and Juriſdiction, were either by marriages or upon Forfeitures, Eſcheats or otherwiſe reduced back, and ſo retained in the Crown, that the new Grants or Creations of thoſe Titles, that have followed, have been without any ſuch ſovereignty as [t] was in thoſe elder times enjoyed in the Territories that denominated the Lords created. But examples of ſuch ſovereignty joyned with ſuch Titles continue yet in the Counties of *Flanders* and *Burgundy*. And in the later times ſince that reduction of all Territorial Sovereignty to the Crown; only ſome few Duchies and Counties that have been appointed for Appenages of the King's yonger ſons, have, by the Ordinances [u] of the Appenages, ſuch a Juriſdiction and Sovereignty joyned with them, as diſtinguiſheth them from the reſt. Yet that is leſs alſo than what was in that antient kind of the greateſt Dignities. And none of theſe Appenages are to be ſevered by any Grant from the Crown; but, upon default of the iſſue Male, they muſt revert to it, which from the Edicts concerning that matter may be more particularly learned. And thus the Kings of *France* (as *L'oyſeau* notes) have found a means to remove the Sovereign Titles of Duke and Count from that greatneſs which the elder Ages gave them *Aux rangs des ſimples Seigneurs Juzerains & leur oſter la qualitè de Princes*, as his words are.

France.

[r] Hujuſce rei exemplum ez-preſſiſſimum habetur in Ducatu Normanniæ apud *G. Gemmiticenſem lib.7.cap.* 45.& 46.

[t] *L'oyſeau des Seigneuries chap.5.§.58,* 59.&c.

[u] Voyez *les Edicts de Roys Tom.2.liv.1, tit.4.*

VI. The original and nature of the Titles of Dukes and Counts in *France* thus generally deduced; we come to the Ceremonial part of their *Creations*, and their *Coronets* (being their moſt remarkable honorary Enſigns) with which alſo ſome other particulars, out of antient teſtimony, occurr touching the Nature of them. And firſt, of the Creation of Dukes, of the Coronets attributed to them, and of other the chief particulars of Honor and ceremony concerning them. Theſe are conſiderable according to that diſtinction of the Antient Dukes that were Sovereigns in their Territories, from thoſe created in the later times, which wholly remain Subjects every way to the Crown. For thoſe Sovereign Dukes; by the *Sallade* (an antient Book written by one *Anthony de la ſalle* and thence ſo titled) they were to be made by a ſolemn impoſition of a rich Crown or Coronet on their heads, not with leſs ceremony than the King was crowned, ſaving only the Annointing. And there alſo it is ſuppoſed that he, which is to be created, ſhould be a Count or Marqueſs that had four Counties, or four Baronies for every County. The words are; *Quand ung* [x] *Marquis ou ung Count a quatre contez ou quatre Baronies pour chaſcun Counte, Lempereur ou ſon Roy le peult faire Duc licetement, & le doit faire en ſa Meilleure ville que doit eſtre citè; & d'icelle ou du pais porter le nome de Duc ainſi que doit*

[x] *La Sallade fol.67.a. & chez L'oyſeau chap.5.des Seigneuries.§.46.*

France. *doit un Roy de ſon Royaume, & tout en la proper forme que Roy eſt Coroune except d' eſtre oingt. Doit eſtre le Duc enchappellè d' ung treſrich Chappel D'or & de Pierres precieuſes par le dit Prince & le plus digne prelat qui doit faire le ſervice, ou dovient eſtre que peult autres Prelats, Princes, Counts, Barons, Bennerets & autres nobles homes a grant plante pour honoreur ſa feſte.* The ſame in ſubſtance, almoſt in the very words, is delivered in a little Book, titled *La diviſion du Mound* and printed at *Paris* in MDXXXIX. as alſo at the end of *Geſta Romanorum*, publiſhed by *Robert Gagwine* long ſince, where, in the mention of the Rich Coronet, this addition is *Ainſi quil eſt accuſtume de faire*, which expreſly denotes the known uſe of giving the dignity by a Coronet. But however they ſpeak here of four Counties, I have not yet ſeen warrant enough for any ſuch or any other number of Counties out of which a Duchy ſhould be ſo raiſed. It is true that in ſome old Annals of *France* we read that *Pippinus* [y] *Rex Grifonem more Ducum* XII. *Comitatibus donavit.* And hence will ſome learned men [z] have it, that ſome cuſtom was (about the beginning of the French Empire) to erect a Duchie by making it out of XII Counties, as is alſo before [a] noted. But neither the examples of the time before King *Pipin* (thoſe examples are frequent enough in in *Gregorius Turonenſis*) nor ſince juſtifie any conſtant cuſtom of any number; the Counties that were in both the elder and later times under Dukes being variouſly one, two, three, four, five or otherwiſe, as it happened; as appears in the antient Duchies of *Bretagne*, *Burgundie*, *Normandie*, *Auvergne*, *Bourbon*, and ſuch more, which is alſo Argument enough to diſprove all other opinions touching [b] any particular number of Counties here.

y *App. Aimoin. lib. 4. cap 61.*
z Videſis *P. Pith. Adverſ. 1. cap. 8. Donz. Annal. Hollan. lib. 5. & Pith. des Countes de Champagne & Brye. Choppin. de Domanio lib. 3. tit. 15. §. 3. &c.*
a *Cap. 1. hujus partis §. 2. & vide infra .9.*
b Videſis *Chaſſonæum catalog. Glor. Mundi part. 5. conſ. 46. in Comit. Campaniæ & Alciat. de ſingul. Certam. ap. 31.*

For the Coronets of thoſe antient Dukes; they were not only Circles of Gold enricht with Stones (as in the *Sallade* they are mentioned) but *Fleurie* alſo, with Flowers evenly and highly raiſed, or a *Hautes Fleurons tous d' une hauteur*, or this [c] which is before deſcribed, as belonging alſo to ſuch as have the particular dignity of *Princes*. This kind of Coronet was very antient there, and impoſed not only at the firſt Creation, but alſo when the Duchie deſcended, as the Crowns of Kings are at this day, and that by the greateſt Prelate of the Duchie. A ſpecial example thereof is in the Duchie of *Normandy*, where *John* Earl of *Moreton* (the ſame that was King *John* of *England*) was crowned Duke of *Normandy* by *Walter* Archbiſhop of *Rhoan*, and was girded with the Sword of the Duchie (as the phraſe was) and took an oath alſo as Kings do. *Roger de* [d] *Hoveden* thus relates it. *Comes venit* Rothomagum *& die Dominica in octavis Paſchæ, viz.* VII. *Kal.* Maii, *Feſto ſancti* Marci *Evangeliſtæ, accinctus eſt gladio Ducatus* Normanniæ *in Matrice Eccleſia per manum* Walteri Rothomagenſis *Archiepiſcopi. Et prædictus Archiepiſcopus poſuit in capite Ducis* Circulum aureum *habentem in ſummitate per circuitum* Roſas aureas, *& ipſe Dux coram clero & populo juravit ſuper reliquias Sanctorum & ſuper ſacroſancta Evangelia, quod ipſe ſanctam Eccleſiam & dignitates illius bona fide & ſine malo ingenio ſervabit illæſas & rectam juſtitiam exercebit & leges iniquas deſtruet & bonas inſtituet. Matthew Paris*, the Authour of the Annals of *Ireland*, and others, to the ſame purpoſe. So alſo were the Dukes of *Bretagne* antiently inveſted, as appears in the example of the Coronation of *Monſieur le Daulphin Francis* Son to *Francis* the firſt into that Title in MDXXXII. where alſo many

c *Carol. Paſchal. de Coronis lib. 9 cap. 22.*

d *Hoveden. Annal. part. 2. pag. 492. Edit. Francofurt.*

many particulars occurr touching Ducal Inveſtitures, and that performed according to the Cuſtoms there which were much antienter than the age of King *Francis*. And therefore I at large relate it, as *Bertrand d' Argentre* [c] Preſident of the Parliament of *Rennes* hath delivered it. *France.*

[c] *Hiſtoire de Bretagne liv. 13. chap. 71.*

The Duchie being given him by his Father, he came with a pomp fit for ſuch a perſon into *Rennes*, and before his paſſage through the gate they call *Mordelaiſe*, he took his Oath in Latin (which was interpreted to him) upon holy Reliques to defend and preſerve the Catholick Faith and the liberties of the Church of *Bretaigne*, to maintain the Barons and the Gentry in their Privileges, and as far as in him lay to do intire Juſtice to all his Subjects of the Duchy. The like Oath alſo he took between the hands of the Vicount of *Rohan* who received it in the name of the Gentry, and the third Eſtate. This done, the Duke, in a Ducal Robe of cloth of Gold, entred into the Town, and afterward into Saint *Peter*'s Church, where after he had heard Evenſong, he kept a Vigil with ſome of his ſervants all the night before Saint *Peter*'s Altar till Mattins was done, and then retired to repoſe in his lodgings where he ſtaid till the Proceſſion of the Church about nine of the clock came for him and received him in the antient habit of a Duke of *Bretaigne*, that is, a Purple Coat furred with Ermins, and upon it a Robe of Eſtate of the ſame. The chief Officers, as the Lieutenant General, he that repreſented the Chancellor, the Mareſchal, the Admiral and others having on alſo their Robes of Eſtate. Then the Biſhop of *Rennes* ſaid this Prayer.

Dieu tout puiſſant et eternel, qui as daigne eſlever à la dignitie de Duc, ton ſerviteur François, *nous te ſupplions que tu luy donnes la grace de diſpoſer tellement del common ſalut de tous, au cours de ce ſiecle que il ne ſe deſuoye point du ſentier du la verité. Par noſtre Seigneur, &c.*

The Prayer done, two other Biſhops in their Pontificial Habits, and having their Croſſes and Mitres, attended the Duke on each ſide, and the Biſhop of *Rennes* with his Clergy in their Copes (the Croſs, Tapers and Incenſe preceding them) waited on him to Saint *Peter*'s door ſinging *Voicy, I' envoye mon ange qui marchera &c.* and then *Eſcoute Iſrael tu n' adoreras aucuns Dieux eſtranges &c.* And the Barons and Gentry and all the people followed the Proceſſion, which being come to the Church door, the Biſhop of *Rennes* ſaid this Prayer.

Dieu que cognois que le genre humain ne peut ſe maintener per aucune fors ſans loy; octroy nous favourablement que ton ſerviteur François *le quel tu as voulu eſtablir ſur ton peuple ſoit tellement apuy de ton ayde quil puiſſe commander & profiter a tous ceux qu' il pourra.*

Then immediately the Proceſſion went into the Church ſinging, *Seigneur*

France. *neur en ta vertu S' eſiovira le roy, &c.* and at the entry into the quire, the Biſhop prayed again.

Tout puiſſant & eternel Dieu Governeur des choſes celeſtes & terriennes qui as daigne eſlever a la dignitè de Duo ton ſerviteur François, *nous te prions que tu faies qu' il ſoit muny du don de la paix de l' eſgliſe & delivere de toutes adverſitez, et que per ta grace il merite de parvenir aux joyes de paix eternelle par noſtre Seigneur &c.*

The Sword in the mean time, and the Crownet or Chaplet being delivered to two of the Canons, and the Prayer done, the Proceſſion went into the Quire, and the Duke was led towards the Altar before which he kneeled, as alſo did the Biſhops that ſtill waited on him; and the Biſhop of *Rennes* began *Veni Creator*, which the Quire received from him and then began the ſhort Letanie, about the end whereof at the ſaying of *Ut Dominum Apoſtolicum*, the Biſhop aroſe and turning himſelf towards the Duke, ſpake theſe words there.

Nous le prions exaunce nous, a ce que tu daignes benir, conſerver & garder ceſtuy noſtre Duc.

Then, ſtill with his face towards the Duke, he ſaid this Prayer.

Dieu que es la gloire des juſtes, le miſericorde des pecheurs, qui as envoye ton fils racheter de ton precieux ſang le genre humain, qui diſſipes les guerres, qui es le protecteur & gardein de ceux quiont eſperance en loy, ſoubs la volonte de quel tout puiſſance de Seigneurs eſt reiglee & continue, nous te ſupplions humblement que tu vueilles tenir dans ce preſent ſiege Ducal, ce tien preſent ſerviteur François *ſe confiant en ta miſericorde, et que favorable tu luy aſſiſtes, a celle fin qui iceluy qui attend eſtre defendu par ta protection, ſoit pluis fort que tous ememis ; fay le Seigneur eſtre bienheuxeux , vainqueur de ſes enemis et auguſte triomphant ; environne le de la Couronne de Juſtice et de piete ; a fin que croyant en toy de tout ſon coeur et de toute ſa penſee, il te ſerve, qu'il defende et eſleve en honneur ton Egliſe, et quæ jamais pour quelques embuſches de Maux il ne ſe tourne a l'injuſtice: Enflamme, Seigneur, ſon coeur de l' amour de ta grace, a ce que aymant la juſtice et marchant par ſesſentiers, apres avoir paracheve le coeurs des ans que tu luy as ordonnez en ce traſexellent Duche , il merite de parvenir aux joyes eternelles par noſtre Seigneur &c.*

From the coming into the Quire till the end of this Prayer, the Canon that had the Sword, held it naked on the right ſide of the Altar, and the other the Coronet on the left. The Biſhop now received the Sword

Sword from the Canon, and delivered it naked to the Duke with theſe words in a lowd voice. *France.*

Reçoy l' eſpee qui l' eſt royallement baillee et conſacree par nos mains quoyqu' indignes, mais tenons le lieu et autoritè des Saincts Apoſtres. Ce glaive t' eſt ordonne de dieu par l' office et miniſtere de noſtre benediction, a la defenſe de noſtre mere Sancte Eſgliſe, punition des meſchants & lovage des bons, & te ſouvienne de celuy du quel le Pſalmiſte a Prophetize, diſant, ſoit ceint de ton glavic ô treſpuiſſant a fin que par ceſtuy tu exerces la force de Juſtice & deſtruizes pax iceluy meſmes avec puiſſance le fardeau d' injuſtice, defendes le Saincte Eſgliſe de Dieu, & ſes enfans fideles en combatant pour eux, apres en horreur & les faux Chreſtiens & ennemis du nom Chriſtien, ayder & defendes debonnairement les vefues & Orphelins, reſtaures ce, qui eſt ruinè, conſerves ce qui eſt reſtaure, venges l' injuſtice, mainteinnes les choſes bien diſpoſees, a fin que faiſant ces choſes, triumphant in vertus & exerceant glorieuſement juſtice, tu puiſſes aver le ſauveur du monde (la figure du quel tu repreſentes au nom) regner avec celuy a jamais, & quel viſt avec le Pere & S. Eſprit au ſiecle des ſiecles. Ainſi ſoit il.

This ended, the Biſhop ſaid to him.

On vous a baillè ceſt eſpee au nom de Dieu & de Monſieur S. Pierre *Come anciennument a eſte fait aux Roys & Ducs de* Bretagne *veſtre predeceſſeurs* (for antiently there were Kings of *Bretagne* before it became a Duchy) *en ſigne de vraye Juſtice, pour defendre l' Eſgliſe & le peuple, que vous eſt commis come Seigneur droicturier que dieu vueille que ce ſoit par telle mannere que vous en puiſſiez rendre compte an jour de jugement & an ſoulagement de vous & de voſtre peuple.*

Then he girded on him the Scabbard, and preſently after he ſolemnly ſet a Cap of Purple Velvet doubled with Ermine upon his head, and then alſo upon the Cap a Coronet of Gold rich with ſtones, and *a hauts fleurons tous d' un hauteur*, or all *Fleury* the flowers evenly high raiſed, *qu' eſt la Coroune* (ſaith *d' Argentre*) *que les Ducs ont porte de puis quils out laiſſe le tiltre de Roy*, which is about the ſpace of DCC. years. And they of the Church (he ſays) call it *le cercle Ducal*, and the Biſhop thus uſed the ſame phraſe when it was put on.

Videſis Bertrand. d' Argent. *Hiſt. Britt. lib. 4. cap. 1. & ſeqq.*

Recoy le cercle Ducal, qui t' eſt mis & impoſe par nos mains, combien que indignes tonteſtois ſacrees, et entends que telle choſe repreſente la gloire de la ſaincte et l' honneur et oevure

France. *de force, et n' ignore pas que par iceluy tu es fait participant de noſtre miniſtre, tellement que comme nous aux choſes interieures ſommes paſteurs, et governeurs des ames intelligents, auſi tu es aux choſes exterieurs vray obſervateur de le honneur de Dieu, et reſiſtant vaillament aux adverſitez de l' Eſgliſe de Jeſus Chriſt, tu es profitable executeur de la charge de Duc, la quelle Dieu t' a donnee et qui eſt commiſe a ton governement par l' office de noſtre benediction que ſommes commis au lieu & autorite des Apoſtres et de tous les Saincts. Soyez veu regnez au profit de lous a ce que orne des pierreries de vertu entre les renommeez combatans, & payrè du loyer perpetuel des bien hereux, ſans fin tu te glorifies avec noſtre Savieur & Redempteur Jeſus Chriſt le quel vit & regne avec Dieu le Pere en unitè du Sainct Eſprit &c.*

Then he thus ſpake to him.

On vous a baillee ce cercle au nom de Dieu et Monſieur S. Pierre, qui deſigne que vous recevez voſtre puiſſance de Dieu le tout puiſſant, que come cercle n' a my fin ny commencement, du quel averes loyer et couronne perpetuelle en paradis, faiſant voſtre debuoir par bon government de voſtre Seigneurie, a l' exaltation de la foy, protection de l' Eſgliſe et defenſe de vous ſubjects, que vous octroye Dieu per ſa ſaincte grace.

The Duke then went to the Altar and there took his Oath which the Biſhop gave him in this form.

Vous jurez a Dieu, a Monſieur Sainct Pierre, aux Saincles Evangiles et reliques qui cy ſont preſentment, que les liberties, franchiſes, immunities & anciennes cuſtomes de l' Eſgliſe de de Rennes, *de nous & de nos hommes tiendres ſans les enfraindre de tort, force, violence, inquietations, oppreſſions, & des toutes quelconques novallitez nous & nos hommes garderes & ferez garder, a voſtre pouvoir.*

And the Duke laying his hand on the Altar anſwered *Ainſi ſoit il*; and then being returned to his place, where he kneeled, the Biſhop uſed this Prayer.

Nous te prions Dieu tout puiſſant que il te plaiſe regarder d' un œil debonnaire ce tien illuſtre ſerviteur François, *& que tout ainſi que tu as beneit* Abraham, Iſaac, & Jacob, *il te plaiſe luy donner les benedictions de ta grace ſpirituelle l' arrouſant de la plenitude de ta puiſſance, luy donnant de la Roſee du ciel,*

ciel, et graiſſe de la terre, abondance de vin, froment, huile, et de tous fruicts, et de la liberalite de ta faveur luy octroyant longue vie, a fin que luy regnant nous ayons pour loyer la ſante du corps, la paix inviolable au Duche, et que la Majeſte glorieuſe du Palais Ducal reluiſſe en puiſſance aux yeux de tout de monde, par Jeſus Chriſt noſtre Seigneur. Octroye nous Dieu Tout puiſſant que ce tien ſerviteur ſoit le tres-fort protecteur du pays, conſolateur, et conſervateur des Egliſes, et Saincts, Monaſteres, par grand piete et magnificence Ducale, et qu'il triumph de ſes enemis, ſoit le plus fort des Princes pour domptor les Rebelles et Nations, Payennes et Heretiques, qu'il ſoit redoutable a ſes enemis, debonnaire a ſes Subjects, aux Seigneurs, Barons, et vaſſaux amiable, liberal, et magnifique, qu'il ſoit craint et ayme de tous, et puiſſe avoir des enfans Ducs, leſquels par ſucceſſion du temps advenir puiſſent governeur le Duche, et que apres une vie renomme et henreuſe en ce monde il obtienne la felicite eternelle, par Jeſus Chriſt noſtre Seigneur, &c. France.

Next, the Biſhop began *Te Deum Laudamus*, which the Quire ended. Then they went out through the great door, and in a Proceſſion went round about the Church, the Duke following them with the Sword naked in his hand; and ſo returning in after them till he came to the Altar, where he put off the Scabbard which with the Sword was delivered to the Marſhal of *Bretagne*, who held it during the Maſs. The Marſhal there is as the Conſtable in moſt other States, ſaith *D'argentre*. In the mean time while the Biſhop was putting on his Chaſuble, the Duke received the homage of the Barons of the Country, and of other Lords. And the Maſs of the holy Ghoſt was begun with theſe Prayers.

Prions pour noſtre treſcheſieur Duc François, *affin que Noſtre Dieu et Seigneur luy rende Subjects toutes Nationz barbarez pour le bien d'une perpetuelle paix pour nous. Nous te Prions Dieu Tout-puiſſant qu'eſtant appaiſe par ſacrificez ſalutaires, tu facez que ton ſerviteur* François *ſoit touſiours trouve propre pour bien faire la charge et devoir de la dignite de Duc, & que ſoit touſiours agreable au pere celeſte per noſtre Seigneur &c.*

Seigneur te prions que ceſt participation au ſalutaire ſacrifice puſſie effacer les taches des pechez de ton ſerviteur & le rende ſuffiſant pour governeur le peuple ſelon ta volunte affin que ne ſoit vancu des enemis tant viſibles que inviſibles par le moyen de ce ſalutaire miſtere par le quel mond a eſte rechepte.

France. But although theſe Teſtimonies of *Normandy* and *Bretagne* ſhew clearly that the Ducal Coronets were raiſed into Flowers, yet there was not ſuch a conſtancy in the faſhion of them as that they were always ſuch or of any other certain faſhion. The French tell us that in the *Celeſtines* at *Paris*, where two Dukes of *Orleance*, the Father and Son, are repreſented, the Father hath a Coronet Fleury as thoſe of *Normandy* and *Bretagne* had, but the ſon [g] hath it only pointed with raies and pearled. Likewiſe in thoſe of the Princes of *Burbon*, mentioned before where we ſpake of the Crownets of Princes, another difference is; yet they were Dukes alſo.

g See *Loys d' Orleance en les Overtures des Parlements chap.* 11. *pag.* 170. *&c. & Moreau en la Tableau des Armoires chap.* 6. *pag.* 249. *L'oyſeau des Seigneuries chap.* 5. §. 46. *&c.*

VII. But although ſuch Teſtimonies be concerning the Inveſtiture of antient Dukes in *France* with a Coronet and Sword; yet alſo we find ſome inveſted without either Coronet or Sword mentioned in their Inveſtitures which conſiſted only (for ought appears) in the putting on a Ducal Cap, and the giving of a Rod of Gold into their hands, beſides the delivery of the Charter of Creation. Such was that Inveſtiture whereby *John* Duke of *Lancaſter* was created by the aſſent of all the Eſtates in Parliament Duke of *Aquitain* for life by his Nephew King *Richard* II. of *England*, as King of *France*. He was inveſted (as the Parlament [h] Roll ſays) *Per le mettre de la Cappe a ſon Chiefe & per la baille D'une verge D'or*, or *per virgam & pileum ſibi præbita manu Regis*, as *Thomas* of *Walſingham* rememembers it according to the effect of this Charter delivered to him by the King's hands.

h *Rot. Parl.* 13. *R.* 2. *memb.* 9. *num.* 21.

RIchardus *Dei gratia Rex* Angliæ, & Franciæ, & *Dominus* Hiberniæ, *Chariſſimo Patruo noſtro* Johanni Duci Lancaſtriæ, *Salutem. Inter glorioſas Reipublicæ curas & ſollicitudines varias Regiis humeris incumbentes, firmat potiſſimè Regale ſolium effluens à juſtitia condigna præmiatio meritorum. Ibi namq; continuè virtus creſcit & colitur ubi à debito ſibi præmio non fruſtratur. Cum igitur honor ſit virtutis præmium, conſtat quod virtuoſis & ſtrenuis ex regali juſtitia debentur faſces honorum, & præmia dignitatum quæ utiq; ſi dignis conferantur non debent ſimpliciter æſtimari donum ſeu exhibitio favorum, ſed potius debita recompenſatio meritorum. Quid enim in retroactis ſeculis & fœlicium principium temporibus Rempublicam amplius provexiſſe comperimus, quam quod piè regnantes virtuoſos & ſtrenuos ſub ſe habebant oneris eis injuncti participes, quos poſtmodum, juxta exigentiam meritorum, honore & diſtributionibus dignitatum ſucceſſive fecerunt ex debito Regalis juſtitiæ glorioſos. Quia quod ſoli non poterant, provida virtuoſorum hujuſmodi proviſione ſupplebant. Hiis igitur conſiderationibus inducti ad te præcariſſimum patruum noſtrum mentis noſtræ aciem dirigentes actuſq; tuos virtuoſos & præclara merita quibus te virtutum Dominus inſignivit in profundæ*

fundæ discussionis liberamine ponderantes de assensu Prælatorum, Ducum, Magnatum, & aliorum Procerum & Communitatis Regni nostri Angliæ, *in instanti Parliamento nostro apud* Westmonasterium *convocato existentium, te prædilectissimum patruum nostrum in* Ducem Aquitaniæ, *cum titulo stilo ac nomine & honore eidem debitis præficimus ac inde præsentialiter per appositionem* Cappæ *tuo capiti ac traditionem* virgæ aureæ *investimus in præmium eximiæ virtutis tuæ & attinentiæ prædictarum toto vitæ tuæ tempore possidendum. Et ut clarè particulariter & in specie intelligere valeas qualis erga te fuerit & sit nostræ intentionis affectus, de assensu prædicto danavimus & concessimus & tenore præsentium concedimus & donamus tibi* Ducatum *prædictum necnon universa & singula Civitates, Castra, Villas, Loca, Terras, Comitatus, et Provincias nostra infra eundem* Ducatum *existentia habendum et tenendum de nobis* ut de Rege Franciæ, *et hæredibus nostris ut* Franciæ Regibus *sub homagio ligeo ad totam vitam tuam una cum omnibus Insulis eisdem adjacentibus, homagiis, ligeanciis, honoribus, obedientiis, vasallis, questalibus, feudis, retrofeudis, servitiis, cognitionibus, juribus, mero et mixto imperio et cum jurisdictionibus altis, mediis, atq; bassis, salvis gardiis, advocationibus, et præordinationibus Ecclesiarum Metropoliticarum Cathedralium tam Secularium quam Regularium et aliorum beneficiorum Ecclesiasticorum quorumcunq; ad nos præmissorum occasione pertinentium sive spectantium deveriis, censibus, redditibus, proventibus, confiscationibus, emolumentis, reversionibus et proficuis, Regaliis, Regalitatibus, Franchesiis, Libertatibus, Privilegiis, Immunitatibus, usibus et consuetudinibus universisq; juribus et partium suis quibuscunque adeo plenè integrè et perfectè sicut ea tenemus et habemus, tenuimus et habuimus, tenuerunt et habuerunt progenitorum nostrorum aliqui ullis unquam temporibus tetrolapsis, aliquibus concessionibus de quibuscunque officiis per nos seu per Progenitores nostros ante hæc tempora factis, quas tenore præsentium omnino revocamus, cassamus, et de facto adnullamus, non obstantibus. Salvis tamen nobis* ut Franciæ Regi *et hæredibus nostris, ut* Franciæ Regibus *directo Dominio, superioritate, et resorto* Ducatus *prædicti specialiter reservatis. Nolumus etiam quod tu aliquo tempore vitæ tuæ Castrum et Dominium de* Frousac, *cuicunq; personæ dare, alienare vel transferre valeas quovis modo. Immo ea in manibus tuis tanquam eidem* Ducatui *annexa omnino teneri volumus & reservari.* France.

France. *ſervari. Et ad honoris & nominis tui validius fulciamentum, hanc tibi authoritatem & poteſtatem ſpecialiter impertimus, monetam auream & argenteam & aliam qualemcunque faciendi, cudendi, et fabricandi monetamq; jam uſitatam ſeu quamcunq; impoſterum per te cudendam quotiens & quo modo tibi videbitur expediens, mutandi; aliqua conſuetudine in contrarium ibidem retroactis temporibus uſituta non obſtante, ac Magiſtris & operariis earundem Indulgentias et Privilegia talibus dari ſolita largiendi et inſuper amortizandi terras, loca, et redditus liberè aut ſub finantia quæ ad manum mortuam dantur ad præſens, dabuntur ſucceſſuris temporibus, vel etiam relinquentur; nobilitandi etiam perſonas ignobiles, Seneſchallos, Judices, Capitaneos, Conſules, Tabelliones Publicos, Procuratores, Receptores, et quoſcunq; Officiarios alios creandi, inſtituendi, et ponendi in ſingulis locis* Ducatus *prædicti, et quando opus erit inſtitutos et poſitos Officiarios antedictos amovendi et loco amotorum alios ſubrogandi, bannitos, et criminoſos quoſlibet Provinciarum prædictarum præſentes præteritos et futuros ad ſtatum famam et patriam ac bona eorum quælibet mobilia et immobilia reſtituendi et revocandi et plenam perdonationem et remiſſionem de commiſſis et committendis criminibus in Provinciis antedictis etiam ſi propterea fuerint ultimo ſupplicio condempnati ſeu condempnandi & fuerint de Provinciis alienis, concedendi, dandi & faciendi; eiſdem quibuſcunque Civitatibus, Caſtris, Villis, & locis, Eccleſiis Eccleſiaſticiſq; perſonis, Monaſteriis, Collegiis, Univerſitatibus, & perſonis ſingularibus cujuſcunque conditionis exiſtant Privilegia, Immunitates, Franchefias, Libertates, & Indulgentias perpetuas ac temporales quaſlibet largiendi & etiam concedendi; Privilegiis per Progenitores noſtros patriis et ſubditis* Aquitaniæ *conjunctim vel diviſim ne à* Corona Angliæ *ſeparari aut extra manum Regiam poni valeant conceſſis non obſtantibus, quæ revocare per præſentem conceſſionem non intendimus, ſed duntaxat ſuſpendere uſque ad terminum vitæ tuæ et poſt tui obitum in ſuo robore perpetuo duratura eſſe volumus. Ita ſemper quod immediatè poſt mortem tuam idem* Ducatus *cum omnibus et ſingulis præmiſſis ad nos et hæredes noſtros integrè revertant. Dat. ſub Magni Sigilli noſtri teſtimonio in Palatio noſtro* Weſtmonaſterio *ſecundo die* Martii, *Anno Domini, Milleſimo, treſcenteſimo octogeſimo nono et Regni noſtri tertio decimo.*

Whether the uſe of the Coronet and Sword were committed by reaſon that the reſort and Sovereignty is reſerved to the King, I determine

mine not. But this is here obſervable alſo that whereas at the Coronation of the Kings of *England* from antient time two Gentlemen have always repreſented the Dukes of *Normandy* and *Guyenne* in Ducal habits, thoſe habits are only a Ducal Robe and Cap without any Coronet, though not only the Dukes of *England*, but all the Nobility to the Vicounts incluſively, that then attend alſo, wear the Coronets belonging to their ſeveral Dignities. But alſo we ſee that the greateſt Duchies have been antiently given by the French King's Charter without mention of any rite at all of Inveſtiture; as for example, the Duchy of *Burgundy* by that of King *John* to his Son [i] *Philip* in MCCCLXIII. And of the antient Dukes of *France* and ſuch as had their Duchies with Sovereignty, thus much in this place; other particulars concerning the Title as it hath been the ſame with Count, and the diſtinction of it from Count, being referred to the ninth Paragraph where we ſpeak of Counts. *France.*

i *Chez. Favin. en le Theatre d' honneur pag.* 934.

VIII. Thoſe Dukes of the later and preſent [k] age, though they have not that antient Sovereignty nor any ſuch Inveſtiture, yet have Crownets attributed unto them, and that of the ſame ſhape as the antient Dukes had. *Carolus Paſchalius* a learned Writer of *France*, having firſt divided Dukes (as he did Princes) into *Majores* and *Minores*, ſhews the great difference of their power and dignity, and at length notes yet that they agree in Crownets and makes a wonder of it. *Ducum*, ſaith he, *alii ſunt* Majores *alii* Minores. Majores *voco illos quorum dignitas proximè accedit ad Regiam. Et hos quidem* Duces *in tantam magnitudinem & claritatem evectos video ut tot mihi Reges videre videor.* Minores Duces *ſunt illi qui ſunt in ditione majoris poteſtatis, Regiæ, Imperatoriæ, Pontificiæ. Iſtis videlicet dati ſunt* Ducatus, *hoc eſt dignitas & feudum quod hoc nomine demonſtratur, ea lege & conditione ut juri & juriſdictioni datoris per omnia ſubjecti ſint haud ſecus quam quilibet è vulgo. Tales fuerunt majores* Duces *in Ditione Imperatoris antequam darentur eis Vicariatus Imperii. Utriuſq; tamen* Ducatus Coronæ, *quod mirere, ſunt promiſcuæ, etſi Regiis ſunt ſimiles. Quippe in utriſque lamina aurea quæ caput ambit pretioſis quoque lapillis diſtinguitur. Ex hac lamina exeunt flores & folia. Certè id quicquid eſt, nihil aliud eſt quam materia floreafoliacea, frondea, læta, laſciviens, ſuaque ſerie laminam inumbrans.* But this agreement of their Crownets (howſoever he ſpeaks of them, as if they might be worn by both) is only in ſhape not in uſe. For whereas ſome Dukes that were Sovereigns did at pleaſure wear them, and received them alſo at their Inveſtitures; theſe of the later ages, which want that Sovereignty, wear the ſhape of them only on their Arms, not the Crownets themſelves on their heads which yet they may do [l] if they be created into that kind of Sovereignty which the antient Dukes enjoyed. So *L'oyſeau* teacheth us. But for the Nature and Forms of Creation of Dukes in the later ages in *France*, we may eſpecially obſerve thoſe [m] examples of that erection of the Barony of *Montmorency* into a Duchie and Pairre by *Henry* II. as alſo of the Barony of *Damville* by *Lewis* XIII. and the making *Anne de Montmorency* Conſtable of *France*, Duke of the firſt, and *Charles de Montmorency* of the ſecond. In that to *Anne de Montmorency*, after the preamble concerning the merits of the Conſtable and his Anceſtors, and a recital of divers Lordſhips, beſide that Barony, being in his poſſeſſion, and of a Revenue fit for the ſupport of a Duke;

k Ducatus recentiores quàm plurimos habes *apud Choppin. lib.* 1. *de Doman. tit.* 5. *c.* 7.

l *L'oyſeau des Seigneures chap.* 5. §. 53. & 54.

m *Chez* A. du Cheſne *en les preuves du liv.* 5. *de l' hiſt. de Montmorencie. p.* 286. & 309.

Pour

France.

POur ces cauſes (ſays the * Charter) *et autres conſiderations deſſus touches et declares par aduis et deliberation d' aucuns* Prince *et* Seigneurs *de noſtre ſang et linage et autres notables perſonages de noſtre conſeil, Avons par ces preſents joint, , uny et incorpore et de nos propre mouvement, certaine ſcience, grace et liberalitè ſpeciale, plain puiſſance et autoritè Royal, joignons, uniſſons, et incorporons a la dite Baronie de* Montmorencie, *des vouloir et conſentement de noſtre dit couſin, leſdites terres et* Seigneuries d' Eſcoven, Chantilly, Montepillover, Champuerſy *& autres deſſus nomees, leurs dites appurtenances & dependances. Et la quelle Baronie avec les fiefs & arrierefiefs que en tient & poſſede noſtre dit couſin, eſtant ainſi reduit & augmentee par la moyenne deſitds adjunction, union & incorporation, avons crée & erige, creons & erigeons en tiltre, nom, dignitè, & preemmeine* de Duchè & Pairre *de* France. *Voulons e nous plaiſt leſdites Baronnie terres &* Seigneuries *eſtre doreſenavant dites et appellees* Duchè *et* Pairrie *pour en jouyr et uſer par noſtre dit couſin* Anne de Montmorencie *et apres ſon deces parſes heirs et ſucceſſeurs maſles* Seigneurs de Montmorencie, *a touſiours perpetuelment en tiltre de* Duc *et* Pair *de* France *avec les honneurs, prerogatives, et preeminences appartenants à* Duc *et* Pair *de* France *et tout ainſi que les autres* Pairs *en jouyſſent et uſent tant en juſtice ſeaunce et juriſdiction que autrement et ſoubz le reſort de noſtre Cour de Parlement de* Paris. *Et la quelle Baronnie terres et* Seigneuries *unies et incorporées à icelles, nous avons diſtraites eximiées et exemptées diſtrayons, ex imons et exemptons de tous nos autre juges en tous cas, fors et exceptè des cas Royaux, dont la cognoiſſance appartiendra à nos juges, par devant leſquels ils avoient accuſtumè reſſortir auparavant ceſte preſent erection. Voulons noſtre dit couſin et ſes ſucceſſeurs maſlez* Seigneurs *deſdites lieux eſtre dites, nommez, cenſez, reputez Ducs* de Montmorencie *et* Pairs de France. *Et que la dite Baronie avec les dites terres et Seigneuries y jointes et incorporées tiennent en tiltre de Duchè et* Pairrè *à foy et hommage de nous. De la quelle Pairrè noſtre dit Couſin nous a fait dés a preſent, ainſi quil' eſt accuſtumeè, le ſerement de fidelite auquel l'avons receu ; a la charge toutes fois qu'en defoit d'hoirs maſles la dite dignite de* Pairre *demeurrera eſteinte et ſupprimée et retornera la juriſdiction en ſon premmier eſtate tout ainſi que ſi la dite erection de* Pairre *n' euſt eſte fait. Et neantmoins la dite Baronie*

de

de Montmorencie *avec les dites terres et* Seigneuries, *jointes a icelle, demeurera au dit tiltre et dignitè de* Duchè *pur eſtre heritage des enfans et heritiers de noſtre dit couſin, maſles ou femelles ou des ayants cauſe d' eulx &c.* *France.*

The like in ſubſtance is that of *Damville* [o] ſaving that the Duchie and Pairrie are both to be ended upon default of iſſue male (the Pairrie being only ended upon ſuch default in that of *Montmorency*) and alſo a *Non obſtante* is added, although the Barony of *Damville* ſhould be taken in any wiſe as reunited to the Domain of the Crown, which is in regard of ſome Edicts there mentioned touching ſuch Baronies.

[o] *A Paris Sept.* 1610.

IX. For the Title of *Count* in *France* (which was alſo called *Quens*, as is before ſhewed; and other teſtimonies [p] of it are moſt obvious) it is conſiderable either as it is known in thoſe that were of the *greateſt Counts* or *Comites Majores*, being antiently the ſame with *Dukes*, or as it is is attributed to ſuch as are leſs *Counts*, or *Comites Minores*, being thoſe that had or now have the title as inferior to *Dukes*. Concerning it, as it is in the *Comites Majores*, we obſerve here, the Promiſcuous Uſe of it with *Duke*, then how, upon the change of that Promiſcuous Uſe, the Title of *Duke* only became to be fixed upon ſome that before were equally ſtiled *Dukes* and *Counts*, and how *Count* hath been retained ſingle alſo by others, and how it hath been yet ſo reputed in ſome to be Equivalent to *Duke*. Of the *Comites Minores*, we make two kinds; one Immediate to the Crown, the other Feudal to ſome ſubject. Theſe kinds declared; we add alſo what may be fit for this place touching the Creation and the moſt honorary ornaments of the Title of *Gount*.

[p] *Voiez du Cheſne en lez preuves du liv. 4 de l'hiſt. de la maiſon de Vergy pag. 224, & 225 &c.*

Firſt, for the Promiſcuous Uſe of it with the Title of *Duke*; it is plain enough (in regard of the antienteſt times of the *French* Kingdom) in that before [q] cited out of *Marculphus*. And for the Ages that have ſucceeded him; beſides what is already noted to [r] this purpoſe in the ſame Titles in the Empire; in a Charter [f] of *Charles* the ſimple to *Roger* Archbiſhop of *Triers* concerning his right to the Abbey of Saint *Servace*, *Ricuinus*, *Matfridus*, *Sigardus*, *Otho* and divers more are reckoned under the joint Title of *Duces ac Comites*. And in the Inſcription of a Brief [t] to *William Duke* of *Aquitain* by *Gregory* VII. we have *Guilielmo Duci Aquitaniæ*, and in the body of the letter, *Tibi verò Guilielme Comes juſtitiam committo tractandam &c. Comes* alſo is uſed frequently by one Writer for the ſame perſon, which another calls *Dux*. That is moſt eſpecially ſeen in the Stories of the Dukes of *Normandy* of about D years paſt. For that great Duke *William*, the firſt King of *England* of the *Norman* Race, is ſometimes called *Comes Normaniæ*, ſometimes *Dux*, as alſo ſometimes *Conſul Normaniæ*, as we ſee in *William* of *Malmesbury*, *Henry* of *Huntingdon*, *Florence* of *Worceſter*, *Jno Carnotenſis* and others of the elder times. And thoſe kind of Counts or Dukes were expreſly comprehended under the name of *Majores Comites*, as *Guilielmus* [u] *Tyrius* calls *Robert* Duke of *Normandy* and *Baldwin* Earl of *Flanders*. So *Alan* the third Duke of *Bretagne* ſometimes [x] calls himſelf *Comes*, ſometimes *Dux*, and both *Comes* and *Dux* together occurr alſo often in the ſtiles of the Duke of *Bretagne*. And *Geoffery* third ſon to *Henry* the ſe-

[q] *§. 5. hujus Capitis.*
[r] *Cap. 1. hujus partis §. 23.*
[f] *A. Chr. 923. Franciſc. de Roſiers in Stemmat. Lotharingiæ pag. 12.*
[t] *Greg. 7. lib. 2. Epiſt. 24. Sed & videſis Append. de Officiis Regni Galliæ ſubnexam Bullingeri libris de Imperio Romano, Cap. de Ducibus.*
[u] *De Bello ſacro lib. 8. cap. 1.*
[x] *Bertrand d' Argentre hiſt. Bret. lib. 4. cap. 28. & cap. 63.*

France. cond King of *England*, being Duke of *Bretagne* in right of his Wife *Conſtance* (daughter to Duke *Conan le Petit*) in his Aſſiſe (as they call it) or Ordinance that he made there touching the Inheritance of Fiefs, firſt ſtiles himſelf, [y] *Ego* Gaulfridus *filius* Henrici *Regis*, *Dux Britanniæ*, *&c.* and then in the end of it, where he teſtifies his Oath to it, his ſtile is *Ego* Gaulfridus *Comes Britanniæ*. And after his death the Ducheſs *Conſtance* ſtiled her Father Count and her ſelf Ducheſs, as *Ego* Conſtantia Conani *Comitis filia Ducissa Britanniæ*, which is her title [z] in the foundation of the Abbey of *Ville-neufue*. Divers other ſuch examples are of this promiſcuous uſe of theſe Titles which are obvious.

But although *Dux* and *Comes* were ſo indifferent, yet at length ſome great Counts and Dukes began to conceive that the Title of Duke was the better, (and that, doubtleſs, becauſe they ſaw that *Comes* was ſo equivocal that it denoted in divers particulars as well meaner Lords and ſuch as were ſubjects to great Counts and Dukes, as the great Counts and Dukes themſelves) and therefore obtained from the King of *France* ſo to fix that name on them that they might be called Dukes only and no more Counts. A ſingular example of that is in the Duchy of *Bretagne*, where *John* the ſecond Duke of *Bretagne*, to whom, as to his Anceſtors the title had been indifferently attributed, had the ſingle Title of Duke ſetled on him, and his Territory erected into a Duchy by King *Philip le beau*. This was by a declaration or clauſe inſerted into the Letters Patents by which the Duchy was made a Pairrie. *Et ne poſſit* (ſays the *King) *in dubium revocari Ducem ipſum, qui Comes fuit aliquando noſtris vocatus in literis, Ducem fore & terram* Britanniæ *Ducatum exiſtere, ipſumq; Ducem impoſterum debere vocari, autoritate Regia, ex certa ſcientia declaramus & tenore preſentium, confirmamus. Quod ut ratum & ſtabile perſeveret præſentibus literis noſtrum fecimus apponi Sigillum. Actum Curtraci Anno Domini* MCCXCVII. *menſe Septembris*. And this was the firſt that had the Title of Duke, as diſtinguiſhed from Count, ſetled on him. Afterwards ſome other of the *Comites Majores* or the great Counts that [a] were alſo equally ſtiled Dukes, either conſtantly uſed the name of Duke only, and ſo propagated it to Poſterity, or elſe had it likewiſe fixed on them by Letters Patents from the King, and ſo the Title of Count ceaſed in them.

Now as *Dux* by it ſelf was thus ſetled upon ſome which promiſcuouſly were before titled both Dukes and Counts, ſo ſome others of thoſe great Princes being indifferently ſtiled by thoſe names, or at leaſt, being equal in dignity to ſuch as were indifferently ſtiled by them, ſo declined the Title of *Dux*, that they retained only, and tranſmitted the Title of *Comes* to their Poſterity, which yet both in nature and reputation hath been eſteemed no leſs than *Dux*, and that alſo even in the Ages ſince *Dux* was ſo ſingled from *Comes* in thoſe others which ſo had the Title of *Dux* only fixed on them. For example, the County of *Champaigne* was rather (ſaith *Chaſſanæus*) a Duchy, and to be reputed ſo. *Advertendum eſt* (ſo are [b] his words) *quod hic Comitatus potius debet dici & eſſe Ducatus quam Comitatus:* but he gives his reaſon, *Quoniam ſub ſe habet decem & ultra Comitatus* (as it then had thirteen) ſuppoſing that ten Counties under a Count, made the Count ſo equal to a Duke, that he ſhould rather be called a Duke than a Count, which is ſpoken by him without any ſufficient ground, as is before [c] ſhewed. The reaſon why he might rather be ſtiled a Duke than

y *Bertrand d' argent. lib. 5. cap. 30. & vide extremum capitis* 31.

z *Id. ib. cap.* 15.

* *Bertrand. d' Argent. Hiſt. de Bret. liv. 5. chap. 31. Ita ſe habent verba in Argentræo: poſt* exiſtere *legerem potius,* Nos jam ipſam terram Britanniæ Ducatum exiſtere ipſumq; &c. *Et ſive Typographi ſive amanuenſis (ut fit) oſcitantiam hoc planè videre mihi videor.*

a *Videſis Choppin de Domanio lib. 1. tit. 5. n. 5. & lib. 1. Juriſd. Andegav. cap. 48. §. 2.*

b *Cat. Glor. mundi part. 5. Conſid.* 46.

c *Vide ſupra §. 6. hoc capite.*

than a Count (after the distinction of those names came into use; as it did about that of the fixing of the Title of *Dux* upon *John* XI. Duke of *Eretagne*) was because he had like Sovereignty, like largeness of Territory and many honours subordinate unto him as Dukes had; notwithstanding which, the Title of Count, as equivalent, was only retained by the Princes of that Territory. And the Title of Duke was attributed to some that had no Counts under them, and on the other side not given to some, that having four, five, six, or such like number of Counts Feudal to them, stiled themselves and were stiled only Counts. For the purpose, the Duke of *Orleance* is [d] noted to have none, when the Count of *Tholouse* had seven, the Count of *Artois* five; and the like more examples are. Such great Counts also perhaps were the *Graves* of *Holland* (the example may serve both here and for the Empire) that had such Sovereignty as that they were, in regard of Jurisdiction, as *Imperatores in suo Comitatu* as [c] some call them. Such also may they be stiled that fall under the first part of our next subdivision of *Comites Minores*. For though in respect of their rank, by reason of their name of Count only so fixed on them, they be justly called *Minores*; yet they may as justly be called *Majores*, in respect of their Power and Sovereignty. And touching the Title of Count, in the *Comites Majores*, thus much. *France.*

d *Chassan. Cat. Glor. mundi part. 5. Consil. 46* In appendice veteris editionis *de gestis Rom. Gallicè fol. 228.*

c *Philippus Leidius* apud *Hug. Grotium de Antiq. Reip. Batavitæ cap. 5.* quem de isthoc Comitatu consulas, si plura velis.

X. Of the two kinds of the *Comites Minores*, before spoken of, the first, that is, such as occurr immediate to the Crown, we subdivide into the antienter and later. The antienter are those that having been of the *Majores Comites* and every way equal to Dukes in the time when the Titles of Count and Duke were used promiscuously, did afterward (by retaining and using the name of Count only, and omitting that of Duke, in the times when that of Duke only was fixt upon others that so left off likewise the Title of Count) so lessen themselves from their former dignity, or at least were reputed so much less in honor than the Dukes now are, or than they themselves had before been when both Titles were used promiscuously by them, that they were ever afterward taken to be a degree inferiour to Dukes. But as the Sovereign Dukes there long since ceased, so almost all these kinds of Counts, which were no less Sovereign, though their Title thus became less. None of these now continue but the Counts of *Flanders* and *Burgundy*. For although *Flanders* be so singularly eminent a County, yet it was antiently, after that distinction of County and Duchy came into use, taken to be *Ducatus minor* (in which respect we use the phrases of *Comites Minores* here) as appears in that of *Froissart*, [f] where the purpose was in MCCCXLVI. to have made it a Duchy.

f *Histor. vol. 1. cap. 116.*

The later immediate Counts, we call them that are and have been in the later Ages created; but without that Sovereignty which those antienter immediate Counts had. Of this kind many have in these later Ages been, and, at the pleasure of the Prince, now are created in *France*. By the Counts that are Feudal to subjects, I mean such as held or have held their Counties either of a Duke or great Count of the Kingdom; as the Counts *D' Aumerle*, *Longevile*, *Tancarvile*, *Eu*, and such more were Feudal to the Dukes of *Normandy*; *De la Marche Armiginac*, *Perdriac*, and others to the Dukes of *Guyenne*; and as the Counts of *Tholouse* and divers [g] more such were. But of this

g De Comitibus Ducatus Britanniæ, vide *Bertr. Argent. Hist. Brit. lib. 1. cap. 13.*

France. this kind, at this day, by reaſon that all the antient Sovereign Duchies and Counties (except *Flanders* and *Burgundy*) are reduced to the Crown, there are none ſaving ſome which remain ſtill (as I think) in the County of *Burgundy* and *Flanders*. And an example of a creation in *Flanders* is anon ſhewed. But in the antient times, very many were of this kind; all deduced out of that cuſtom of above M years ſince, when Officiary Dukes or thoſe *Comites Majores* had under them Officiary *Comites* that were *Minores*. Examples thereof are in *Gregorius* [h] *Turonenſis*, *Aimoinus* and others. When thoſe Officiary Titles were annexed to Feuds, then began thoſe Feudal Counts of this kind, and were ſometimes made by the King, and became afterward ſubordinate to great Counts or Dukes upon the King's appointing great Counts or Dukes over divers of them; and ſometimes the great Counts or Dukes (which we underſtand here for the ſame in the antient Ages) created theſe leſs Counts in their Territories, and in ſuch caſe they were originally Feudal to Subjects. Sometimes alſo the King made them by conſent of thoſe Dukes. All which more fully appears in the teſtimonies here preſently brought touching the Creation of them.

h *Hiſt. lib. 8. cap. 18. lib. 9. cap. 7.*

XI. For the *Creation*, *Inveſtiture*, and *Coronet* of thoſe that were originally of the *Majores* and equal to Dukes, enough is ſaid where we ſpeak of Dukes. For that equally belongs to thoſe great Counts as we ſee in the Example of the Count of *Normandy* (which Title was equally uſed as Duke) where he received his Inveſtiture [i] with a Crownet of the ſame kind with a Duke's. But perhaps only ſome of the greateſt did uſe Crownets, and not all of thoſe greater Counts. For in the deſcription of that War in MCCIV. (which was long before the Titles of *Dux* and *Comes* were ſingled from each other; the firſt known example thereof being about XC years after in the Duke of *Bretagne*, as is already ſhewed) made againſt the Eaſtern Emperour *Alexius* by ſome Counts of *France*, as the Count of *Flanders*, of *Champaigne* and others, written by *Geoffry Villehardovin*, Marſhal at that time of *Champaigne*, the Counts are reckoned by *Dandolo*, then Duke of *Venice*, for ſuch as had no Crownets. *Sont* (ſo are the words of the Duke) *les plus* [k] *haulz homes que ſoient ſauns Coronne*; ſo an Ambaſſadour (that was a *Lombard* born) ſent to them from *Alexius*, tells them; *L' Empereur* Alexis *vos mande que bien ſet que vos eſtes la Meilles gent que ſoient ſauns Coronne &c.* as if in thoſe times theſe Counts had uſed no Crown nor Crownets.

i *Vide ſupra §. 6.*

k *Villhardovin. liv. 1.*

l *Idem liv. 3.*

But, for the leſs Counts and ſuch as originally had the dignity given them, as it is inferiour to that of Duke; they were wont to be ſo created, that their Inveſtiture into the name and Territory was by a rich Diamond or Diamond Ring and that only (as ſome Ceremonials of *France* ſay) where the perſon to be honoured had at leaſt four Baronies, and every Barony at leaſt ten Gentlemen depending on it; for otherwiſe, ſaies *Anthony de la ſale*, it were a diſhonour to the Title of Count. Others will have ten [m] Baronies here. But indeed there is no regard to be had regularly to any certain number. And although in a later Edict of *Henry* III. 1579. it were [n] ordained that no creation of the dignity of a Count ſhould be publiſhed, unleſs the Count had at leaſt two Baronies and three Chaſtellaines, or one Barony and ſix Chaſtellaines, under him united and held of the King, yet the Edict was only verified in the Parlament of *Rennes*, and not made a general Law. But for the elder times, in a litle Book titled [o] *La diviſion du monde*, the words

m *Chaſſan. Catalog. Gloriæ mundi part 5. conſider. 46.*

n *L'oyſeau des Seigneuries chap. 4. n. 72.*

o *Paris. 1539*

words are, *On peult faire ung Count quant il a quatre Baronies enclavez en un Duchie. Le Duc le peult faire Count ou le Roy, per le conſentment de Duc.* But the *Sallade* more largely; and ſaies, the Prince that doth it may do it by Commiſſion granted to any that is above a Count. And that the Title is to be taken from the chiefeſt Barony that the Count hath. *Quant ung Vicount ou Baron* (ſo are the words of the *Sallade*) *ſe veult faire Conte il fault que il ait quatre Baronies & chaſcun Baronie ait ſous elle au moyns dix Nobles homes pour luy faire honeur a ſes beſoignes. Adonc ſon Prince il le peult licitment faire Count, & autrement il fait tort a la dignite le Conte. Et ſe ſon Prince ny peult eſtre, per ſon Congie le peult faire ung Prince ou Marqueſſe de plus grand dignite que le Count, Ceſtaſcavoir que apres le ſervice de la ſolemnielle meſſe channtee per un Prelat ainſi que dit eſt, la Prince ou Seigneur que avera la Commiſſion ſera aſſis & recevera l' homage de luy & ce fait, ſera la Commiſſion & Privilege leve devaunt treſteus. Et apres ce per un riche Diamant* (but this paſſage is cited in [p] *L'oyſeau, avec un anneau de Diamant*) *qui port ſeigne d'avoire, L'enveſtira & mettera en poſſeſſion de ſa Conte la quelle ſerra nome de la pluis Noble Baronie, que il aura, ou ſerront Princes, Counts, Barons, Dames, Damoiſells, & autres Nobles de pleus a ſon Honeur que il poverra.* The antient Rites alſo uſed in the Inveſtitures of the Heirs of the County of *Flanders*, that is, their Oath, their being girded with a Sword, and ſome other circumſtances related in *Jacobus* [q] *Marchantius* may be obſervable in the diſquiſition of the antient forms of Creation or ſuch Inveſtitures upon Heirs, as being in the nature of a Livery with us, ſomewhat imitates a Creation. And ſee alſo more of the *Cinctura gladii* [r] hereafter. But, at this day, and in the later times, the creation of a Count is wholly or principally in the Charter, and the publique delivery of it, which with that of the Edict of *Henry* III. before mentioned is (according to its extent of authority) to be remembered. But there is no Coronet (which was of old time given to ſome, at leaſt of the greater, Counts as to Dukes) now given nor may any be worn by any of them. Yet in memory of the Sovereignty which in antient time was belonging to the Title of Count in thoſe greater Counts, they have at this day liberty to ſet a Coronet over their Arms only. Touching the form whereof I find not the French Writers agree, as neither do they while they deſcribe the Coronets of other dignities. Some of them ſay that this Coronet of a Count is a circle of Gold *Greſle* [s] *au deſſus des perles groſſes & rondes*, or filled with a row of Pearls on the upper part of it. And ſo are all the Coronets of Counts in *Andrè de Cheſne* his Hiſtories of the houſes of *Chaſtillon, Montmorencie*, and *Vergie*. But *Monſieur Favin*, in his Theater of Honour hath deſcribed it to be thus pointed and pearled; of which ſhape they ſay alſo the Coronet of *Charles* Duke of [t] *Orleance* in the *Celeſtines* at *Paris* is preſented.

XII. For the Charters of antient Creations of Counts in *France*; we have examples in ſuch Records of *England*, as preſerve divers Acts of our Kings there, wherein ſome Charters are to immediate Counts created by them, or at leaſt of Counties given by them (which I think here the ſame) as Kings of *France*. And other Charters alſo are among thoſe Records, made to ſuch as had their Honours depending immediately on ſome mean Lordſhip and Principality. Of both kinds we ſhall add an example

France.

[p] *Des Seigneuries chap.5. §. 49.*

[q] *Flandriæ deſcript. lib.2.*

[r] §. 15.

[s] *Moreau table, des armories pag.251. Loys de Orleans en l' overture des Parlamens pag. 170. L'oyſeau des Seigneuries chap.5. §.48. Videſis, Paſchal de Coronis lib.9.cap.23.*

[t] *Loys d' Orleans des Parlamens pag.171. Edit.1620. in 8.*

France. example or two. With this ſhort Charter, *Henry* VI. created the Lord *Beaumont* (the ſame that was afterward the firſt Viſcount in *England*) Count of *Bologne*, to him[u] and his Heirs Males of his body.

u *Rot. Franc. 14. Hen. 6. num. 1.*

REx omnibus ad quos, &c. *Salutem. Sciatis quod nos conſiderantes bona & gratuita ſervitia quæ dilectus & fidelis noſter* Dominus de Beaumont *nobis ante hæc tempora impendidit & præſertim ſervitium quod nobis in præſenti viagio noſtro in partibus tranſmarinis pro reſcuſſu & ſuccurſu Villæ noſtræ* Caleſiæ, *Dando, faciendo, impendidit, de aviſamento, & aſſenſu conſilii noſtri, conceſſimus præfato Domino,* Comitatum de Boloigne *cum omnibus Villis, Caſtris, Fortaliciis, Foreſtis, Boſcis, Feodis, & retrofeodis ac omnibus aliis commoditatibus & emolumentis dicto Comitatui pertinentibus ſive ſpectantibus, Habendum & Tenendum ſibi & hæredibus ſuis maſculis de corpore ſuo exeuntibus eiſdem modo & forma ſicut antiqui* Comites de Boloigne *ea habuerunt & tenuerunt cum omnibus dignitatibus & prærogativis dicto Comitatui aliquo modo pertinentibus & dependentibus ab eodem. In cujus Rei, &c. Teſte* R. *apud Civitatem ſuam* Cantuar. XXVII. *die Julii.*

Per breve de privato Sigillo.

In the ſame year, three days after, the County of *Flanders* upon the revolt of *Philip* Duke of *Burgundy* and Earl of *Flanders*, is thus given (as firſt forfeited to the Crown of *France*) to *Humfry* Duke of *Gloceſter* for life.

x *Rot. Franc. 14 Hen. 6. num. 2.*

REx omnibus[x] *ad quos &c. Salutem. Quantum ſit rebellionis ſcelus, et quam adverſus Dominum ligeum Vaſſallus proditoriè inſurgens pœnam luat, jura non ſolum humana ſed et Canonica teſtantur pariter et divina. Hoc enim ſacrilegii genus quod læſæ Majeſtatis labem ſecum trahit, nedum patrum delicta percellit in filiis ſed et, ipſis merito ab hæreditate prorſus excluſis, bona quæcunque et feuda delinquentium forisfacta decernit, et ea in ipſum Dominum Principalem deferri jubet, tanquam legitimè confiſcata. Cum itaque infidiſſimus ille* Philippus *vulgari opinione pro Duce* Burgundiæ *nominatus, qui primævis à cunabulis, eo videlicet à tempore quo nobis jure hæreditario et nihilominus ſecundum pacis tractatum inter recolendiſſimæ memoriæ* Karolum *Avum noſtrum tunc* Franciæ *et genitorem noſtrum* Henricum quintum Angliæ *Reges initum et concluſum, ac per eundem* Philippum *acceptatum et, jurejurando ad ſancta Dei Evangelia*

Evangelia corporaliter præſtito, roboratum, Regni Franciæ *Regalia accreverunt, nobis ut vero et indubitato Regi* Franciæ *ac Domino ſuo ſupremo per duodecim Annos et amplius paruit et obedivit, Nóſque tam ſuis ſcriptis quam geſtis pro Rege et Domino ſuo hujuſmodi ſupremo apud ſedem Apoſtolicam, Imperatoriam celſitudinem, partem inſuper nobis in regno noſtro* Franciæ *adverſantem, et alios mundi Principes et potentes palàm publicè manifeſtè et notoriè recognovit et ſic recognoſcere debuit et deberet, perfidiſſimæ rebellionis ſuæ contra nos calcaneum erigere non veritus et fide qua nobis aſtrictus erat et quam nobis debuit prorſus derelictâ, et ſubjectione nobis per eundem debitâ temerè, falſè, nequitèr et prodictoriè, profligatis, ſeipſum et ſuos noſtro adverſario et inimico capitali ipſius regni noſtri* Franciæ *uſurpatori, fidelitatis vinculo adjungere non metuit, et inſuper flagitia flagitiis ac mala malis accumulans, Villas, prædia, et Caſtellas ad nos jure Coronæ noſtræ* Franciæ *notoriè ſpectantia, ſuis uſurpavit et uſurpat uſibus, et in majorem ſuæ infidelitatis et rebellionis manifeſtationem, nonnulla Caſtra noſtra in Marcheis noſtris* Caleſiæ *ſituata violentèr et more guerrino deſtruxit, homines noſtros in eiſdem inventos neci tradens, villámque noſtram* Caleſiæ, *ſibi ſubjugare nequiter inſudavit, cujus tamen maliciam in hoc Creator noſter, cui laudes infinitas ſemper exſolvimus, in dicti Rebellis et proditoris infidiſſimi ac ſuorum opprobrium perpetuum confundere dignatus eſt. Quorum omnium et ſingulorum prætextu et occaſione, quæ toti mundo adeò notoria ſunt quod nulla poſſunt tergiverſatione celari, bona, poſſeſſiones, et dominia quæcunque quæ idem proditor prius de Corona* Franciæ *tenuit, ipſo jure ad nos tanquam verum regni* Franciæ *Regem et in Fiſcum noſtrum merito ſunt delata. Nos igitur de memoratis bonis, poſſeſſionibus et dominiis prout juri et juſtitiæ convenit, diſponere cupientes, à* Comitatu Flandriæ, *qui de nobis in capite tenetur inchoare Decrevimus, noſtræque conſiderationis ad inclitiſſimum Principem,* Humfredum Gloceſtriæ Ducem, *Avunculum noſtrum chariſſimum, meritò dirigentes obtutum, eidem* Humfredo *Duci qui nobis ab omni tempore fideliter deſervivit & circa jurium noſtrorum in partibus* Caleſiæ *conſervationem nec ſuæ perſonæ propriæ nec ſumptibus immenſis parcens, ſtrenuiſſime militavit, & militat, de præſente* Comitatum *ipſum cum ſuis juribus & pertinentiis univerſis ex noſtra mera & ſpontanea libertate & munificentia regali, Concedimus & donavimus, volentes quod idem* Humfredus *Dux prædictum* Comitatum *quamdiu vixerit de nobis & ſucceſſoribus*

France.

France. *bus noſtris teneat illudque habeat modis & formis melioribus quibus* Flandriæ Comites *ipſum* Comitatum *de regni* Franciæ *Regibus ante hæc tempora liberius habuerunt & tenebant, Prærogativa dignitate & juribus noſtris Regalibus in omnibus & per omnia ſemper ſalvis. In cujus &c. Teſte Rege apud* Cantuar. XXX *die Julii.*

Per breve de privato Sigillo.

XIII. An example of the granting of a County, whoſe honour immediately depended on ſome mean Principality, is in this of the *Black Prince Edward* (while he was Prince of *Aquitaine*) his giving [x] the County of *Bigorre* to *John de Grely* Capdall *de la Buche*, in tail, reſerving yearly at Chriſtmas a Faulcon and a Tercel gentle to be paid at the Caſtle of *Burdeaux* beſides the known ſervices due out of that County.

x *Rot. Vaſc. 44 Ed. 3. memb. 8. num. 4.*

EDward *aiſne fitz du Roy d' Angleterre, Prince d'* Aquitaine *et de* Gales, *Duc de* Cornwalle, *Counte de* Ceſtre, *Seignior de* Biſcay *et de Caſtre* D'ordiales, *Faiſons ſavoire a touz ceulx qui ces letres verront ou orront, que por les bones et agreables ſervices que noſtre treſchere & feal Coſin* John de Grely *Captal de* Beuch *nous a fait avaunt ces heures et que luy et les ſiens ferront per le temps avenire a nous et aux noſtres, a noſtre dit Coſin avons done et ottroie donnons et ottroions per ces preſentes pur luy et ſes heires maſcles liegement engendres, la Countè de* Bigorre *avec les Citties, Villes, Chaſteux, Terres, Seigneuries, Homages, Juriſdictions, haute moyene et baſſe mere et mixte Impere, Drois, cens, Rents, Revennes et autres Appurtenances profits et emoluments de le dit Counte; Rendant a nous et aus noſtres Cheſcun an perpetuelment en noſtre Chaſtel de* Burdeux *a la feſt de Noel, un Faulcon et un Tercellet gentil et faiſant a nous et aus noſtres, homages liege, ſerement de feaultè, reſſors et les autres devoires que a nous devient eſtre faitz pur la dit Countè. En teſtimoigne des choſes ſuis ditz nous avons fait metre noſtre grant Seale a ces Patentes letres, donne a noſtre Cittie d'* Engoleſme *le vint et ſeptiſme jour de Innig l'an de grace mill treſcentz ſexante et noef.*

In *April* following, this was confirmed under the great Seal of *England* by the King his Father; *Salvis ſemper* (as the words of the Confirmation are) *& reſervatis nobis & hæredibus noſtris Regibus* Angliæ *homagio ligeo ipſius* Johannis *& hæredum ſuorum prædictorum de Comitatu prædicto: Nec non ſuperiori Dominio & reſorto ejuſdem Comitatus & omnibus aliis donariis ad nos tanquam Dominum ſuperiorem inde debitis.* And thereupon alſo a command was ſent by the King to all States and Officers

Officers in that County; *Quod eidem* Johanni *de* Greily *tanquam Comiti dicti Comitatus de* Bigorre *in omnibus quæ ad Comitatum prædictum pertinent intendentes sint obedientes & respondentes.* France.

XIV. In these Charters hitherto shewed, we find no mention of any Ceremony of Investiture used; Neither do we but in few testimonies of particular erection and grants of Counties or creation of Counts or other dignities there. *Charles* VI. erected the Castle, Town and Chastellany of *Mortaigne* in the Bailliage of *Constantine* into a County by Charter, *& voulons & avons ordonnè* (saith [y] he) *& decernè ordenons & decernons par ces presents quæ doresenavant les dites Chastel ville & Chastellenie & leurs appartenances soient dictes reputees & appelles Comtè & icellè Comtè avec ses dictes appartenances jusque a treis mil liures Turnois de terre revenant a present qui per noz gentz & Officiers serront estimées & assizes en bonnes & convenables assietes au plus pres du dit chastel & ville de Mortaigne que faire se pourra bonemente & avec telle Justice & Seigneurie Comme ausdits Chastel & Chastelleine appartient d' ancienetè avons done & octroyé, donons & octroyons de nostre certain science & grace especiale & de nostre plein puissance & authoritè royale audit* Pierre de Navarre *nostre Cousin germain pour luy ses heirs & successeurs à une seule foy & homage & en Noblesse de Countè par telle maniere que il & ses dits heirs & successeurs soient puissent & doibuent estre apellez Countes de* Mortaigne *& jouyr & user de telz droits, prerogatives, preeminences & libertez & franchises come a Comtes aparteint & enjouyssent & ussent perpetuelement come leur propre chose a tousiours perpetuelment.* And command is given to the Baily of *Constantine* or his Lieutenant to put the Count into seisin of the County. *Henry* the Fifth of *England* gave *totum Comitatum de Perch* in the Duchy of *Normandy* to *Thomas* Earl of *Salisbury* and the Heirs males of his body, to hold it by homage, and giving yearly to the King on Saint *George*'s Day a Sword in a Scabbard at the Castle of *Cane*. *Proviso semper quod idem consanguineus noster* (as the words [z] are) *homines ad arma & sagittarios ad equitandum & nobiscum hæredibus nostris seu locum tenente nostro* Normaniæ, *præsenti guerræ, ad quantitatem valoris annui Comitatus prædicti ad custus proprios invenire teneatur, & finita guerra, hujusmodi servitia in hac parte nobis debita impleat & perficiat.* So King *Henry* the Sixth first created *Gaston de Foix* Count of *Longeville* into the Title of Count *Benanges* to him and his Heirs males of his body. *Nomen & [a] Omen Comitis dicti loci de* Benanges *liberaliter concedens*, and granted him divers Lands for the support of his dignity. *Quæ quidem loca prædictus Comes* (as the Charter saies) *bene, ut asserit, in obedientiam nostram reducere & redigere proponit, Deo dante: Concessimus insuper Comiti trescentas libras sterlingorum de Reventione quolibet Anno percipiendas & habendas super conquestus quos idem Comes super prædictis rebellibus & adversariis nobis faciet aut fieri faciet vel procurabit. Quæ quidem tenementa omnia & singula supradicta tam sua quam alia sibi per nos concessa, Nec non Redditus* CCC *librarum prædictarum de prædicto Comitatu de* Benages *esse volumus & eidem Comitatui unimus incorporamus & adjungimus.* And about seven years afterward, by another Patent he [b] created him in like sort, but with the addition of this *Proviso*; *Quod si hujusmodi hæredes non existant tunc dignitas Comitatus cesset & sit Vicecomitatus eisdem modo & forma sicut antea fuit, ac si Comitatus factus non fuisset.* Both the Patents ended with this clause, *Quod præsens concessio nostra non trahetur ab aliis in exemplum.* So of the first Creation of the Count and County of *Chasteau-*

y *Meslanges Historiques Au Troyes* 1619. *pag.* 34. *ult. Maii.* 1401.

z 26. *April.* in *Rot. Pat. Norm.* 7. *Hen.* 5. *memb.* 63. *num.* 232.

a 28. *Julii. Rot. Vasc.* 4 *Hen.* 6. *memb.* 1. *num.* 2.

b 14. *Augusti. Rot. Franc.* 11 & 12 *Hen.* 6. *m.* 3. *n.* 1.

France. *Porceau*, in the great county or Palatinate of *Champaigne*, we find the Charter [c] but no Rites of Inveſtiture mentioned. It was done upon an exchange made by *Gaucher de Chaſtillion* of *Chaſtillion*, *ſur Marne*, with King *Philip le Beau* for this honour and ſome other Inheritance, and that by the conſent of *Joan* Queen of *France*, and *Navarre*, Counteſs Palatine of *Champaigne* and *Brie*. The words of Creation in the Charter are. *Nos vero eidem* Galchero *tradimus & aſſignari fecimus pro excambio prædictorum, totam illam terram quam tenebamus apud Caſtrum in* Porceano *cum omni Juriſdictione alta & baſſa, & cum omnibus feodis, retrofeodis, juriſdictionibus, deveriis, & redibentiis, quibuſcunq; & eundem ad homagium recepimus noſtrum pro prædictis et etiam pro fortalicio loci prædicti et pro aliis redditibus, bonis et proventibus, feodis, retrofeodis, quæ ibidem quondam tenebat à nobis* Jacobus *de* Mountchaulon *miles*, *quondam Dominus dicti fortalicii. Quod fortalicium cum omnibus aliis quæ ibidem habebat ſeu quocunque modo habere poterat idem* Jacobus, *prædicto* Galchero *& ſucceſſoribus ſuis ſeu cauſam ab eo habentibus tradimus & concedimus à nobis & ſucceſſoribus noſtris Dominis* Campaniæ *ad homagium ligium in* Comitatum & Baroniam, *et tanquam* Comitatum *et* Baroniam, *retentis nobis in prædictis homagio & reſorto & tali ſervitio ratione homagii & feodi quale nobis tenentur præſtare & facere alii* Barones & Comites Campaniæ *ſimilia feoda à nobis tenentes.* And in the Creation of *Robert de S. Aumer* Vicount *D' Aire*, into the title of Count de *Morbeque*, and of his Lordſhip of *Morbeque* into a County by the Archduke and Archducheſs, as [d] Counts of *Flanders*, there is no mention of any rite of Inveſtiture; but after the preamble they ſay [e] that they have of their certain knowledge, grace, and liberality, *pleiner puiſſance & autorite ſoveraine*, made and created him, and in the firſt perſon, *faiſons & creons Counte, & ſa dit terre & Seigneurie de* Morbeque *avec ſes appendances & dependances conſiſtant en tout juſtice haut moyenne & baſſe ſituee en noſtre pais & Comtè de* Flandres *& tenue de nous a cauſe de noſtre cour & Chaſteau* du Caſtel, *erigeons en dignitè tiltre, nom, autoritè & preeminence de Comtè.* And further out of their favour and *puiſſance abſolute* they annext by the Charter to the ſame County, four other Fiefes, the Lordſhip of **Schenſtraete** and **Ivemeghem, Winqueval, Zenecote**, and **Bourre**, and limited the eſtate of the Title and County to him and to his Heirs of his body begotten, *Soient maſcles ou femelles & ſi longuement; qu' elles prendront alliance de mariage Eſgale a leur rang & qualitè*, and the tenure to be of them and their Heirs and Succeſſours Counts and Counteſſes of *Flanders*; with this caution that neither he nor his Heirs might alien any part of the County thus erected. In like form, was *Nicholas de Montmorencie* Baron of *Heverſquerque* made Count *d' Eſtaires*, and *Eſtaires*, with other Lordſhips annext to it, made a County without mention in the Charter [f] of more rites of Inveſtiture. Divers other like are.

XV. But in an antienter Charter than any yet mentioned made by *Robert* Count of [g] *Bologne* and *Auverne*, teſtifying the grant of the County of Saint *Pol* by *Hugh de Chaſtillon* Count of *Bloys* to his Brother *Guy de Chaſtillon*; It is remembered that Count *Guy* was inveſted by the Counts of *Bologne*, of whom the County of Saint *Pol* was held, according to the uſage and cuſtom of the County, *& les avons* (ſo are the [h] words) *raveſti bien & ſuffiſament ſelon l' uſage & la cuſtume du pais.* What that cuſtom was, appears not: But perhaps the chief rite, when the rites of Creation were uſed, was the girding on a Sword, which we find in ſome Charters of Creation of Counts in *France* both by our

Henry

c Chez *du Cheſne en les preuves du liv. 7. de l' Hiſt. de Chaſtillon. pag. 201. l' an de Chriſt* 1303.

d 8. *Feb.* 1614.

e Chez André du Cheſne *en les preuves du liv. 4. de l' Hiſt. de Montmorencie pag.* 254.

f *Chez* du Cheſne *en meſme le livre pag.* 251. 8. *Aug.* 1611.

g *An. Chriſt.* 1292. *in feſto Paſchatis.*

h Chez *du Cheſne en les preuves du liv. 6. de l' hiſt. de Chaſtillon. pag.* 260.

Henry the Fifth and the Sixth. As in this of *Henry* the Fifth; by which he created *Gaſton de Foix*, *Capdall de la Buche*, Count of *Longeville*, and gave him the County of *Longeville* alſo, reſerving yearly a horſe and the ſervice of bearing the King's train on Trinity Sunday whenſoever he ſhould be in the Duchy of *Normandy*. *France.* [i] Rot. Pat. Norman. 7 Hen. 5. membr. 35. num. 64.

REX univerſis & ſingulis Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Juſticiariis, Ballivis, Vicecomitibus, præpoſitis & omnibus Miniſtris & fidelibus ſuis, Salutem. Regalis dignitatis Solium & faſtigium nedum inſignire ſed potius augere confidimus, dum inter perſonas, nobiles, diſcretas & potentes honorum culmina diſpenſamus. Credimus namque noſtram regiam magnificentiam tanto lucidius ornari & fulciri, quanto viris virtuoſis & ſtrenuis ac ſaltem in partem ſolicitudinis Regiæ conſilio præpollentibus ad honorum gradus evocatis, ad directionem boni publici roboratur. Hæc quidem in Regalis diſcuſſionis examine revolventes, ad perſonam nobilis & præpotentis viri dilecti & fidelis noſtri Guaſton de Foix Capitalis de la Bugh, *intuitum noſtræ conſiderationis direximus, quem ob reverentiam & honorem inſtantis ſolempnitatis Sanctæ & individuæ* Trinitatis, *ac propter virtutum præcellentiam et Armorum ſtrenuitatem aliáque diverſa probitatis merita ad honoris culmen producere dignum ducimus & eidem* Guaſton *honorem* Comitis *dedimus ac ipſum in* Comitem de Longeville *præficimus, nec non de eiſdem nomine & honore* per cinctúram Gladii *eundem* Guaſton *inveſtimus. Et quia creſcente ſtatus celſitudine, conſequenter creſcunt diverſa ſumptus & onera pro ſtatu ſuo* Comitis *in hac parte decentius ſuſtinendo, Totum* Comitatum de Longeville *in quantum ſe extendit cum omnibus pertinentiis & dependentiis ſuis eidem* Guaſton *tenore præſentium damus et concedimus; Habendum et tenendum ſibi et hæredibus ſuis maſculis de corpore ſuo exeuntibus de nobis et hæredibus noſtris pro hamagio quod idem* Guaſton *perſonaliter nobis fecit et reddendo nobis et eiſdem hæredibus noſtris unum equum ſingulis annis imperpetuum. Ita ſemper quod idem* Guaſton *et dicti hæredes ſui ad portandam Trenam noſtram et hæredum noſtrorum annuatim die ſolempnitatis Sanctæ* Trinitatis, *ſi præſentes in Ducatu noſtro* Normanorum *perſonaliter interfuerimus prompti ſint et parati. Hiis Teſtibus, prachariſſimis fratribus noſtris* Thoma Clarenciæ, Humfredo Glouceſtriæ *ac chariſſimo avunculo noſtro* Thoma Exoniæ *Ducibus*; Edmundo Marchiæ, Johanne Huntingdoniæ, Richardo Warwici, Johanne Comite Mareſcallo

France. callo *et* Willielmo Suff. *conſanguineis noſtris chariſſimis, Comitibus*; Johanne de Roos, Johanne de Clifford, Johanne Beuchamp de Bergavennie, Roberto de Willoughby, Henrico Fitz Hugh *Camerario noſtro*, Waltero Hungerford *Seneſcallo hoſpitii noſtri, Militibus Magiſtro* Philippo Morgan *Cancellario noſtro* Normaniæ, *Magiſtro* Johanne Kempe *Cuſtode Privati Sigilli noſtri*, Willielmo Alington *Theſaurario noſtro* Normaniæ, *et aliis*; *Dat. per manum noſtram apud villam noſtram de* Maunte XI *die* Junii.

Per ipſum Regem.

k *Rot. jam dict. m.* 35. *num.* 67. 20. *Junii* 97.

About nine days[k] after, for a Confirmation and explanation of the gift of the County, he hath it given and confirmed, *una cum alta Juſtitia media & baſſa &c.* And in *October*[l] following, the King granted alſo to him and his Heirs liberty to appoint *Omnimodos Officiarios de Juſtitia*, within his County, and took the homage of all Perſons, *qui ei homagium facere debent & tenentur excepto homagio pro terra & Dominio de* Baſquevill. But the like rite of girding on a Sword is remembred in *Henry* the Sixth's Charter, by which he created *Alvarez de Almadea*, Count *D' Avarans* or *Auranches*. *Ipſum in Militem ac Socium & Fratrem de Garteria ex unanimi conſenſu ſocietatis ejuſdem* (ſo ſaies the[m] Charter) *eligimus & realiter inveſtimus. Eundem etiam Dominum* Alvarum *ex noſtri abundantiori gratia in evidens teſtimonium ſuarum virtutum in Comitem* D' Avarans *in Ducatu noſtro* Normaniæ *creavimus & præfecimus, ac de eiſdem honore & titulo per* Cincturam Gladii *inveſtientes effectualiter inſignivimus.* The eſtate was to him and his Heirs males of his body begotten.

l *Rot. jam dict. membr.* 13. *num.* 17. 11. *Octobris.*

m 4. *Auguſti* 23. *Hen.* 6. *in Rot. Franciæ membrana* 2.

n *Favin en le Theatre d' honneur pag.* 944. *Vide item l'hiſt. de la maiſon de Vergy liv.* 5. *pag.* 183, 185. *&c.*

XVI. Among the Dukes and Counts of *France*, the title of *Palatine* hath been alſo uſed. The old Counts of *Champagne*, ſtiled themſelves *Comites Palatini*. The ſame addition of Honour hath been in the Counts of *Burgundy*. *Philip* Duke of *Burgundy* that inſtituted the Order of the Golden Fleece, ſtiles himſelf amongſt other Titles *Count D' Artoys*, *Palatine de Burgoyne* and *de Namur* in the Charter[n] of Inſtitution. *Perot* alſo *Palatine de Bearne* is mentioned in[o] *Froiſart*. How this began there, is not agreed among the *French*. The antienteſt mention of it that remains, is in the ſtile of *Thebaut* Count of *Champagne*. [p] *Theobaldus Campaniæ & Briæ Comes Palatinus*, or as the *French* of that time was (being about CD years ſince) *Thiebault de Champagne & de Brie Cuens* [q] *Palalazins*, which continued in them till the County devolved to the Crown. Sometimes alſo that *Theobald* is called *Comes Palatinus* abſolutely, without addition of the Territory, as both in the body and in the ſubſcription of a Charter[r] to *Hugh* Abbot of *Clugnie*, touching the Priory of Saint *Denis* of *Nogent*. Some of the *French* conceive that the title of *Palatine* came not originally here from the *French* Kings, but was rather received from the Emperours of *Germany*, the Princes that received it being in diſgrace or in revolt from their own Sovereign. But I doubt not but that the Title in theſe had the ſelf-ſame kind of Original, as it had in the Feudal *Palatines* of the Empire, according as is before opened. It was not given to them either by the

o *Vol.* 3. *Chap.* 6.

p Videſis *Choppin. de Domanio lib.* 3. *tit.* 20. §. 1. *Pithæum de Comitibus Camp. & Brie. Du Cheſne Antiq. & Recherches lib.* 1. *cap.* 73. *Meſlang Hiſtoriques au Troies* 1619. *pag.* 1.

q Ches *A. du Cheſne en les preuves du liv.* 1. *l' hiſt. de Chaſtillon. pag.* 2. 14. *&c. & Meſlanges Hiſtoriques au Troyes* 1619. *pag.* 1.

r *Biblioth. Cluniac. pag.* 542, & 544. & vide *pag.* 1497.

French

French Kings or by any other Sovereign, but assumed by themselves and by others attributed to them for the eminency of their Jurisdiction, being not unequal to that of the antient *Comes Palatii* in the King's Court. Neither is it any Argument against this deduction of their Title, that the Office of *Comes Palatii* is not found in the Court of any *French* King after *Charles* the *Bald*, [f] that began about DCCCXL. It was never at all (I think) found in the Court of any *English* King. Yet the Title of *Comes Palatinus* hath been in *England* also attributed to divers as is hereafter shewed, where we speak of *English* Dignities. And that only, by reason of such eminency of Jurisdiction as was greater, and nearer to what was meerly Royal, than that which any other Counts or other great Lords had. And although, in *France*, there were divers other Counts that had no less Sovereignty in the elder times than those of *Champaigne*, and the few others that used it; yet doubtless some affectation of magnifying them with a singular note of greatness in their Stile (which equally might have been taken by others at their pleasure, without any grant from the Emperour or King) was the only cause they had this addition; Touching which because there is so much already said in the Feudal Counts *Palatine* of the Empire, nothing needs be here further added.

France.

[f] Videsis *Capit. Caroli Calvi. Edit. à Jac. Sirmondo pag.* 180. & *pag.* 437.

XVII. But, of the *Princes*, *Dukes*, and *Counts* in the elder times, a certain number of twelve were selected by the Kings of *France*, and erected into the title of the XII *Pairs* or *Peers* of *France*, by which dignity they became the Chief Counsellours and Directours of State, as a body next and immediately advising the King. But their dignity consisted in their being chosen out of the rest into the select Number of XII. not in the Title of *Peers*.

For all the great Lords of the Kingdom that held immediately of the King, as of his Crown, were *Peers* also, as you may see especially in the example of the *Sire de Coucy*, which is anon used when we speak of the *French Barons*. But out of them, these XII being chosen were besides their being *Peers* in matters of Judgment in the old Parlaments, *Peers* also in the managing of the whole Kingdom, and, while their greatness held, were therein so powerful that they added [t] a taste of an *Aristocracy* to that great Monarchy. Of these antiently, six were Lay, and six were Ecclesiastical. The Lay were, the Dukes of *Guyenne*, of *Burgundy*, of *Normandy*, and the Counts of *Flanders*, *Tholouse* and *Champaigne*. The Ecclesiastical, the Archbishop of *Rhemes*, the Bishop of *Laon* and *Langres*, and of *Beavois*, *Chalons*, and *Noyon*.

But the dignity of *Pair* is supposed in these Bishops, not as they are Bishops, but as being Dukes and Counts also; that is, in the first three of them as Dukes, and in the other three, as Counts. When these began, is very uncertain; For neither is there any sufficient testimony of the elder times to imform us, nor any such consent in the conjectures or grounds of the *French* [u] Writers, of the later times, as any way clears it. Some attribute the beginning of them to *Charles* the Great, some to *Arthur* King of Great *Britain*. Indeed in the life of King *Arthur* in *Geffery* of *Monmouth*, they are called twelve Consuls; and the *Dozperes* for the *Douze Pairs* in the *English* History in Verse written by *Robert* of *Glocester*. And *Gervase* of *Tilbury*, in his *Otia Imperialia* dedicated to the Emperour *Otho* IV. mentions them with relation of their Original to King *Arthur*. Others to *Hugh Capet*, and some to King *Robert*

[t] *Voyes Pasquier en les Recerches de la France liv. 2. chap. 10.*

[u] Videsis *Pithou des comtes de Champagne & Brie, pag.* 570. *&c. Du Haillan. lib. 3. Fauchet des dignities, lib. 2. Hotoman Francogall. cap.* 14. *Guagnin. Chronic. Franc. lib. 4 cap. 1. Nic. viginer Chron. Burgund. sub Anno* 898. *Choppin. de Domanio lib. 3. tit. 1. §. 3. De Villiers ad Fulbert. Epist. 96. Pasquier in les Recerches lib. 2. cap. 10. Rageau des droitz roiaulx verb. pair de France.*

France. bert whose Reign falls between M. and MXXX. after our Saviour. But some to the antient Title of *Patricii*; as if such of the Lords of Provinces as had the Title of *Patricii*, given them Feudally, as others had the Title of Dukes and Counts, had afterward been called *Pairs*, from the word *Patricii*.

x Vide supra §. 5. hujus capitis.

But though *Patricius* [x] were wont to be given as an Officiary Title as well as *Comes* and *Dux*, yet there is not (for ought I have yet seen) one example of it as given Feudally. Wherefore I can give no faith to that of the *Patricii* here, nor have I yet met with Authority enough to perswade me so far as to a conjecture probable enough for their beginning. The name is but the same as *Par* in Latine, and it had such a kind of Relation to the King in Government, as *Pares Curtis* in the Feudal Laws to the Lords Court. That parity among themselves, in regard of Power and Assistance in Counsel and Government, gave them the name. Whence it is that they were sometimes stiled, *Les Douze Compagnons* as in the old *Romance*, written by *Gualter D'* [y] *Avignon.*

y Chez Claudè Fauch. des dignities lib. 2.

Assez de mal me fit vostre oncle Ganelons
Qui trahit en Espaigne lez Douez Compagnons.

z Xenoph. Cyropaid. 2.

And so were they as the ὁμότιμοι [z] or Companions in honour in the *Persian* Empire.

But, of those twelve, the six Lay *Pairs* long since ended. The County of *Flanders* being transferred to another Dominion, and the other five Duchies and Counties being at several times returned and united unto the Crown. To supply them therefore and preserve the dignity of *Pairs*, divers others, and to a greater number, have been [a] erected into the Honorary title of *Pairs* (for the antient real Title as it was in those great Dukes and Counts long since ended) as *Britagne*, *Burbon*, *Anjow*, *Berry*, *Orleans*, and such more at the pleasure of the *French* Kings. Their place is such that they have claimed it before the Princes of the blood, and have it before all other without question. The privileges belonging to the dignity of a Peer both in the Parlament of *Paris*, and elsewhere may be learned out of *Du Tillet*, and the Decisions [b] of the *French* Courts, whither I refer you, and only add here a Patent of Creation of a great Duke into this Title which is the antientest that I have met with. It is that of King *Philip le Beau*, in 1297. to *John* the second Duke of [c] *Britagne*, wherein also he fixed the Name of Duke upon him.

a Videsis du Haylan lib. 2. Tilium de rebus Gallic. lib. 2. Lupan. de Magistr. Franciæ, &c.

b Code des Decisions Forens. liv. 1. tit. 52.

c Bertrand d' Argent. Hist. de Britagne lib. 5. cap. 31.

PHilippus *Dei Gratia* Francorum Rex; *ad honorem cedit & Gloriam Regnantium et Regnorum, si ad Regiæ potestatis dirigenda negotia, insignibus viri conspicui præficiantur Officiis, et inclitis personæ præclaræ dignitatibus præferantur, ut et ipsi sua gaudeant nomina honoribus intitulata magnificis, et cura Regiminis talibus decorata lateribus à solicitudinibus relevetur, pacisque ac Justiciæ Robore, quæ regnorum omnium fundamentum constituunt, conservari commodius valeant, et efficacius ministrari: Et per hoc etiam gratiam credimus extolli*

tolli regnantium et vigorem crescere fidei et devotionis in subditis, si viri, præclari virtutibus & nitore conspicui meritorum, congruis efferantur honoribus & fidelium obsequiosa devotio condignis præmiorum retributionibus prosequatur ut & ipsi pro suæ meritis probitatis sibi honoris titulos accrevisse congaudeant & alii eorum exemplo ad similia ferventius animentur. Notum igitur facimus universis tam præsentibus quam futuris, quod Nos, attendentes devotionis, fidei, fidelitatis probatæ constantiam; nec non prudentiam et proinde circumspectionis industriam, dilecti & fidelis nostri Johannis Ducis Britanniæ *grata & accepta servitia quæ nobis in nostris & regni nostri negotiis probatis effectibus impendit diutius, & exhibet incessanter, ac labores etiam et expensarum onera, quæ ad nostrum ipsius regni honorem subiisse dignoscitur; considerantes insuper, quod Duodecim Parium, qui in prædicto nostro regno antiquitùs esse solebant est adeo numerus diminutus quod antiquus ejusdem regni status diminutione hujusmodi deformatus multipliciter videbatur, sicque volentes eundem* Ducem *hujusmodi suæ probitatis & præcellentium meritorum obtentu honoribus promovere præcipuis & non minus regni nostri statum veterem dignitatum ornatibus reformare, ipsum de gratia nostra, abundantia, & plenitudine Regiæ potestatis præfati regni nostri* Franciæ, *Creamus & promovemus in* Parem, *et* Paritatis *hujusmodi dignitatem* Britanniæ *Ducatui annexentes, præsentium tenore statuimus ut tam ipse quam successor ejusdem* Ducis Britanniæ *qui pro tempore fuerit* Par *ejusdem regni perpetuis temporibus habeatur, et omnigenæ Paritatis ejusdem, quemadmodum dilectus et fidelis noster* Dux Burgundiæ, *compar ejus, prærogativa latetur, Pro qua quidem Paritate nobis homagium præstitit idem Dux, ac successores sui* Britanniæ Duces, *nobis et successoribus nostris* Francorum *Regibus præstare perpetuo tenebuntur.* France.

d §. 9.

e §. 8. & de *Pariatu Francorum*, vide, præter ea quæ citantur, *Simon Marion Playdoye 9. pag.* 267. &c.

Then follow those words before cited where we [d] speak of fixing the title of Duke upon him, and they conclude the Patent. Other examples are publick, of erecting *Pairries* with Duchies as in those Creations of the Dukes of *Montmorency* and *Damville* [e] before remembred.

f *Alciat. de sing. certam. chap. 31. L'oyseau des Seigneuries cap 5. §. 31, & 32. Vide pors. Boerium de authoritate magni consilii, §. 110, 111. &c. Paschal. de Coronis lib. 9. cap. 23. §. sed ut minorum Ducum, &c.*

XVIII. The title of Marques was left to this place, because without the preceding knowledge of the title of Duke and Count, this could not so well be understood. For a Marques hath now most frequently, in the Lists of Honour, place between a Duke and a [f] Count, unless the title of Peer or Prince added to a Count, or some Officiary Dignity make it otherwise. The nature of the stile originally is already opened

in

France. in the dignities of the Empire. And as it is there of much later beginning than the Feudal use of *Dux* and *Comes*, so is it in *France* also. About DCCCC. years after our Saviour, some great Dukes and Counts, especially if their Territories were Frontiers of the Kingdom, affected it in their stiles, and others attributed it to them. But, as I conceive, not at first as an honorary distinction, but for a significant denotation of them, as if they should have been in better Latine called *Comites* or *Duces Limitanei*, which truly interprets *Marchiones*, as is before shewed. Thence is it that the Count of *Burgundy* is antiently sometimes stiled [g] *Marchio Burgundiæ*. So Pope *John* XV. in his Letters of Credence to *Leo* Archbishop of *Triers*, touching the concluding of a Peace between *Richard* Duke of *Normandy*, and *Ethelred* King of *England*, stiles the Duke only by the title of [h] *Marchio Normanniæ*; and *Baldwin* Earl of *Flanders*, in that Age stiled himself, *Baldwynus Comes Flandriæ* [i] *Marchio & Philippi Francorum Regis ejusque Regni Procurator & Bajulus*, or, as some have it, *Ballivus*.

g *Frodoard. Chron. sub Anno* 921.

h *Anno* 991. *apud G Malmesbur. de gest. Regum Angliæ, lib.* 2. *cap.* 10. *& videsis Tom.* 3. *Concil. part.* 2. *pag.* 161. *Ed. Bin.* 1618.

i *Marchantius & Ferrcol. Locrius in Chronic. Belg. pag.* 182, *&* 199.

Divers more such memories occurr; so that in those times not only *Duke* and *Count*, but *Marques* also were titles thus promiscuously used. When this came to be a distinct title (as Duke did about the time that it was fixt upon the Dukes of *Bretaigne*) clearly enough appears not. But it seems, that about the same time, that Duke and Count became to be so distinguished, this also was singled out and made a third dignity different [k] from both of them, and inferiour to the one, and superiour to the other. And so it ceased in the stiles of those great Dukes and Counts that antiently had used it rather for a signification of their being Princes of Frontiers, than for an honorary title. And Afterwards as Counts might be created either by the King or Dukes, so might antiently these Marquesses, if one [l] of the old Ceremonials of *France* deceive not. And one that had two or three Baronies lying together might be (but so doubtless might any other at the pleasure of the King) be made a Marques. The words are, *Pour faire un Marquis; cest quant il a de terre autant que deux ou trois baronies enclavies en un Duche & peult estre fait per le Duc de que il tient.* Where observe by the way, that the Authour of that Ceremonial, required but three Baronies for a Marques, though four for a Count. And indeed he supposes also such a Marques inferiour in dignity to a Count, as others in the elder times did also such Marquesses as had only Territories subject [m] to such Counts as had whole Provinces. But the Authour of the *Sallade* saies that a Count or a great Baron ought to have had at least four or five Baronies, and in the least of them ten Gentlemen depending on him, and then he might be created a Marques by the King himself, or by a Commission to any other in greater dignity than a Marques, and that, upon his homage and his name chosen from the chiefest of his Baronies, he was to receive his Investiture by a rich Ruby or [n] Ring with a Ruby in it. And this dignity he supposes clearly (as it is at this day) superiour to a Count, the words of the *Sallade* are. *Quant aulcun Count, ou puissant* Baron *se veut fair* Marquis, *il fault que per raison il ait au moiens* V *ou* VI Baronies *dont en la moinere ait dix nobles homes tous ses subjects. Et se plus en a est, & sere son honneure. Et lore per le Empereure ou per son Roy ou per lour Commis, que fault soit* Duc *ou* Prince *de plus grand dignity que* Marquis, *a la grant Esglise ou apres le service de la grant messe chaunte per le prelat ou autre que en aura la Commissum, le dit* Cont *ou* Baron *luy estant a genoulx devant luy en luy*

k Videsis *Nicol. Vignier. Chronic. Burgundiæ pag.* 75.

l *La division du monde à Paris* 1539. *fol.* 61. *b.*

m *Voyez L'oyseau des Seigneuries, chap.* 5. §. 31.

n *L'oyseau des Seignenries cap.* 5. §. 50.

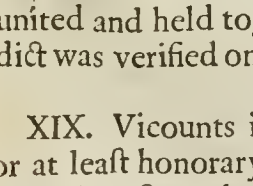
luy offront novelle homage de ſes Baronies *reduittes a unque ſeul nom, ceſt-aſcavoire* Marquis *de la plus noble Seigneurie que il avera. Et ce fait, la priviledge de la dignite ſerra la publiquement leve, & lors le dit Prince recepuera ſon homage & foy de luy & puis l'enveſtira & metre en poſſeſſion de ſa Seigneurie de* Marquis *per un treſrich Ruby qui porte ſigne de Seigneurie, que li metera au moyen doibt.* But as here are five or ſix Baronies requiſite, ſo ſome others ſuppoſe ten ſhould have been in this caſe. But there is not ground to juſtifie either that or any other exact number.

In the later Ages, Marqueſſes have been created here as other dignities by the King's Letters Patents only. And not only the name but the true nature alſo of a Marqueſs hath been ſometimes lately created there; as in that eſpecially of the *Sieur d' Aramont* whom *Henry* the Second made Marqueſs *des Iſles d'Or* in *Provence.* His dignity was [o] *Juſta ac Regno utilis Marchia* as *Choppinus* ſaies, becauſe by reaſon of a contract annext to it, he was to maintain certain Gariſons and Forts in thoſe Sea marches of the Kingdom. And for the form of a Creation of a Marqueſs, ſee that of *Henry* III. by which he made *Peter* of *Montmorency*, Marqueſs of *Thurie.* After the preamble, the King recites, that *Thurie* (whereof this *Montmorency* was Baron) is one of the antienteſt Baronies of *Normandy*, of large extent, fair revenue, and great juriſdiction, and then erects *En dignité, tilre nom* (ſo are the [p] words of the Charter) *& preeminence de* Marquiſate *la dite Baronnie, Seigneurie & haute Juſtice de* Thurie, *& autres terres & Seigneuries que il a audit pais & quel pourra cy apres acquerir, & ſi bon luy ſemble, y adjoindre, de quelques perſonnes que ce ſoit.* And appoints that, the whole Marquiſate be held of the Town and Vicecounty of *Falaiſe*, by the antient ſervices. And that this *Peter de Montmorency* enjoy it and the title of Marqueſs of *Thurie* to him, *ſes hoirs, ſucceſſeurs & deſcendans de luy, tant maſles que femelles legitimes ſelon l'ordre de primogeniture.* And grants alſo that he may appoint Officers for adminiſtration of Juſtice in the Marquiſate with a *Non obſtante* any edict of reunion.

[o] *De Domanic lib.1.tit.5.§.9.*

[p] *Chez du Cheſne en les preuves du liv. 4. del'hiſt.de Montmorencie, pag.238.*

But as their dignity is between that of a Duke and a Count, ſo their Coronets to be ſet over their Arms, are as mixt of thoſe of a Duke and Count, but ſo that they have four flowers of leſs [q] heighth than the Dukes Coronets, and between every of them three ſuch pearled points, as we ſee in the Crownets of Counts. The ſhape of them is thus deſcribed in *Favin.* Under *Henry* III. in MDLXXIX. in an Edict, [r] *Pour le reglement, de dignite*, it was ordained that every Marquiſate ſhould be compoſed of three Baronies, and of three Chaſtellaines at the leaſt, or two Baronies and of three Chaſtellaines united and held together under one homage of the King. But this Edict was verified only in the Parlament of *Rennes.*



[q] *Moreau en le Tableau des armories pag. 251.*

[r] *L'oyſeau des Seigneuries. chap.4.§.72.*

XIX. Vicounts in *France* (underſtand only Feudal and Honorary; or at leaſt honorary Viſcounts; there being at this day, and from antient time, ſome that are meerly Officiary as in *Normandy* and elſewhere) were wont to be made, if credit be to be given to the *Sallade*, by the delivery of a Rod of Gold, and giving this title to a Baron or Banneret, or other great Gentleman that had three or four Baronies, on every of which ten Gentlemen at the leaſt were depending. *Quant le Baron ou Banneret* (theſe are the words of the *Sallade*) *ou aultre grant noble home a troye ou quatre Baniers de ſon patrimonie ou aquiſes, dont la moin-*

France. *dre doit eſtre de dix nobles homes ſes homes de ſon,* [r] *du Roy ou Prince, per qui il doit eſtre* Vicount, *doit eſtre in place publique aſſit en l'eſtate que a luy appartient; & a ſes piedz doit eſtre le* Vicount *a genoulz au quel il requira l'honour de* Vicount *en luy offrant novel ſerement de ſes dicts Baronies, aſſembles tout in un nom, ceſtaſcavoire de* Vicount; *& ce fait, alors ſon Prince par un tres rich ring d'or ſe metra en poſſeſſion.* But in the little Ceremonial inſerted in the *Diviſion du* [t] *Monde*; it is printed that he ought to have *Cinque Comtes* (which doubtleſs is miſtaken for *Cinque Baronies*) *ou plus enclavies en un Duch au pres l'une de l'autre. Il peut eſtre fait du duc en grant ſolemnitie par le conge du Roy. Si le Roy y eſt en perſonne le Vicount eſt plus honorable.* But in an old Ceremonial tranſcribed and communicated to me by my worthy Friend Maſter *William le Neve, York*-herald, it is ſaid alſo that a Vicount was to be created, *En la forme & maniere & magnificence dun Conte, ſi non que en lieu d'eſpee l' on luy pend la Dague a la poitrine.*

[r] *Le Roy ou Prince, &c.*

[t] *A Paris 1539.*

The beginning of this dignity (as it became feudal and hereditary) was in the like kind as of divers Counts. When the great Dukes and Counts, in the antient times gained to themſelves large dominion and ſovereignty in their Territories, which was afterwards tranſmitted to their Heirs (as is before ſhewed) divers of them placed in certain Towns and diviſions of their Counties, ſuch Governours and Delegates under them, as being appointed by the name of *Viſcounts* or *Vicecomites*, did in imitation of their Superiours get, either by Feudal gift or by uſurpation, to themſelves alſo an Inheritance in the Dominions and Juriſdictions of thoſe Towns and Diviſions, and thence alſo, this ſetled dignity, which continued to their Poſterity. And afterwards the like Title was feudally given; ſometimes by the Kings alſo, having the old Duchies and Counties in their own hands. But the Juriſdiction uſually given with this title was only Civil. For ſuch of them, as at this day, have Fiefs and Juriſdiction (for only ſome of them have that leaſt) have only that which is Civil, or that which they call the *moyenne Juſtice* being, in the cuſtoms of *Amiens, Montrueill*, and other parts there about, the ſelf ſame that (for this reaſon it ſeems) is ſtiled *Juſtice Vicomtiere* or *droit de Vicomte.* And in *Flanders* and *Picardie*, ſome Lords that have this kind of Juriſdiction are called therefore alſo *Seigneurs Vicomtiers*; yet nevertheleſs ſome of them, by uſurpation, antiently gained to themſelves the exerciſe of Criminal Juriſdiction alſo. But there are others of them which have no Juriſdiction at this day; but they receive, as in ſatisfaction for what (as it ſeems) they were wont to have, the third parts of the profits ariſing out of the exerciſe of the King's Juſtice in their Territories, as the examples are in the Vicounty of *Bourges, Cologne, Villemenart, Saint Georges*, and *Fuiſſie.* I have not ſeen any other form of the gift of a *French* Viſcounty, than that tranſcript before [u] mentioned, wherein *Henry* the Sixth of *England*, as King of *France*, thus gave the Viſcounty of *Beaumont* to *John* whom he had before created Vicount *de Beaumont*, and his Heirs males of his Body begotten.

[u] *Pag. 213.*

HEnry par la grace de Dieu Roy de *France* & d' *Angleterre*; A la choſe publique eſt expedit & a la mageſte Royal, choſe mout convenable que les hommes vertueux & de noble generation ſoient, ſelon leurs merites, exaltes & pardeſſus

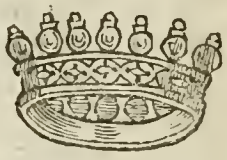
pardeſſus auters honnorez & remunerez. Afin que en eulx *France.*
aſſavourans le fruit de leurs labeurs, acroiſſe, magnificence, & bon couraige. Quilz aient Raiſonnablement de quoy ſouſtenir honnorablement leſtat & ſupporter les charges a leur vocation condecens. Et que auters a leur exemple ſoient curieux & plus volentifs de eſveillement eulx emploez & envoez dignes de lovaigne. Et il ſoit ainſi que nous maintesfoiz ramenans a noſtree memorie l'auncienne nobleſſe dont par generation eſt extrait noſtre amie & feal Couſin *Jehan Viſconte et Seigneur de Beaumont*, Les grans & tres notables ſervices que luy & les ſiens ont, par long temps, faiz a noz nobles progenitours & a nous quil nous fait de jour en jour, & eſperons que plus face en temps advenir, au fait de noz guerres & auterment; Aions nagaires decorè & embelly noſtre couſin deſſuſnomè noſtre du nounc de *Viſconte*, & des dignites, preeminences, droiz, honneurs, et prerogatives a eſtat de *Viſconte* appertenauns; Ceſt un raiſon que, avec la dite dignite, il ait terre et Seignourie que de ſoi ſoit Intitule et ait nom de *Viſconte* enſamble poſſeſſions et revenues pour honourablement maintenir ſon eſtat et nous ſervir, ſelon que a cel dignite appertient: Pourquoy nous, eve conſideration a ce que dit eſt, Savoir faſons a tous preſens et advenir que par grant et meure deliberation de conſeil ſur ce eve avec aucuns de noſtre ſang et lignaige, de noſtre grace eſpeciall certaine ſcience, & auctorite Royal, a noſtre dit couſin *Jehan Viſconte & Seigneur de Beaumont*, pour luy & pur ſes hoires maſles legitiſmes procreez de ſon corps en directe ligne, A nous donne, cede, tranſporte, & delaiſſie, donnons, cedons, tranſportons, & delaiſſons par ces preſentes la *Viſcontè de Beaumonte* avec ces appurtenances & appendences quelxconques..... confiſques envers noſtre mageſte Royall, par la Rebellion & deſobeiſſance de *Jehan* ſoy diſant Duc *D'alencon*, laquele a tenue par don Royall feu noſtre t'ſchier & treſame uncle *Jehan*, en ſon vivant, Duc de *Bedford*, & par ſon treſpaſſement retournee a noſtre main par reverſion pour de la dicte *Vicontè* de *Beaumont*, de la quele noſtre dit Conſin & ſes progeniteurs auncienne-ment ſont extraiz, & eulx & luy en ont porte de tout temps & encores il meiſmes en porte les armes; Enſamble dez droiz Seignoraulx, advocations, dignites, & prerogatives, feifs, rents, revenues, heritauges, & poſſeſſions appurtenans a Icelle *Viconte* & auters quelxconques ſes appurtenances; ſoier & uſer par noſtre dit couſin & ſes diz hoirs maſles pro-

France. creez de ſon corps en ligne directe perpetuellement, hereditablement, & a tonſiours comme de lour propre choſe ; En quelque valeur ou eſtimation que aient eſte les choſes devant dictes es temps paſſez, ſoient a preſent, ou puiſſent eſtre les temps advenir. Pourveu que icelles choſes ou aucuns d'eves ne ſoient de noſtre auncien demaine. Ne paravant la date de ceſtes par nous donnees a autres ; Que pour la fortification de noſtre Palais a *Rouen*, icelui noſtre Couſin de *Beaumont* paiera au Receveur ſur ce commiz en noſtre Chancellerie de *France*, la dixieſme partie pour une foiz de la Revenue dun tanſoulement des choſes devant dictes, A leſtimation & arbitraige de noz amez & feaulx les gens de noz comptes a *Rouen* & les Treſorors & generaulx governeurs de noz finances en *France* & en *Normandie*, En regard au temps de l'an mil CCCC & dix. Et que noſtre Couſin de *Beaumont* devant nomme & ſes ditz hoires feront les homaiges & ſervices & auſſi paieront les chargez, droiz & devoirs, pour ce deux & accouſtumez a nous & a auters quel appertendra. Si donnous en mandement par ces meiſmes preſentes a nos dictes gens des compts & Treſorors a noſtre Baillie du *Maine* & a tous nos auters Juſticiers & Officiers ou a leurs lieux tenents preſens & advenir & a cheſcun deulx ſicome à luy appertendra, que, de la *Viconte* de *Beaumont* & auters choſes devant ditz, Ils baillent et delivrent deſmaintenant, a noſtre dit Couſin, la poſſeſſion et ſaiſine ſans prejudice, touteſvoies de certain octroy que cy devant par auters noz letres patent en avons fait pour aucun temps encores advenir a noſtre treſcher et amè Couſin le Conte de *Dorſet*. Et tantoſt apres ce que icelui en ſera ..... et deſſaiſy, en facent joir et uſer pleinement et paiſiblement noſtre Couſin de *Beaumont* et ſes ditz hoires perpetuelement, hereditablement et atouſiours par la maniere que dit eſt, ſans leur meiter ou donner ne ſouffrir eſtre miz ou donne deſtourbier ou empeſchement comment que ce ſoit aucontraire. Et afin que ce ſoit choſe ferme et eſtable atouſiours, nous avons fait meiter noſtre ſeel a ces preſentes ; Sauf en auters choſes noſtre droit & lautruy en toutes. Donne en noſtre Mannoir a *Shene* le XVIII me jour du moys de *Janner*, lan de grace Mil. CCCC et quarante. Et le XIX de noſtre Regne. Ainſi Signè, *Porr le Roy*, Monſieur le Duc de *Yorke*, et le Conte de *Suffolk*, preſens.

Collation eſt fait per moy ; Garvais.

Of

Of Viſcounts, *L'oyſeau* makes three kinds; the firſt of thoſe that are immediate to the King, as to his Crown; which [f] either are created by him, as ſome have been in the later times, or deſcended (by all likelihood) from ſuch as being at firſt by delegation made *Vicecomites* under the great Dukes or Counts of the elder Ages, revolting from their immediate Superiours and acknowledging the King only, retained yet their former name and dignity of Vicounts alwayes. Such a one is the Vicount of *Turenne*. But there are few of this kind. The ſecond is of thoſe that held of the King as of ſome County or Duchy united to the Crown, of which the moſt are. And the third of thoſe which held of Counties not in the King's hand. And their being thus mediate or immediate to the Crown, leſſens or increaſes their dignity. For the Crownets to be uſed over the Arms of Vicounts; ſome of the *French* attribute to them only a circle of Gold either plain or enammeled; ſo [t] *Moreau*. But in *Favin* it is a circle or Coronet with a row of Pearls immediate to the circle, in this form: which is delivered by [u] ſome of them to have been antiently the form of the Coronet that the Counts, while they were ſovereign Lords and Princes, might wear, and the very ſame alſo are ſtill attributed to Counts in the late Hiſtories of the Houſes of *Montmorency* and *Chaſtillon*, written by *Andrè du Cheſne*.



France.

f *Videſis Choppin. de Doman. lib. 3. tit. 26. §. 7.*

t *Tableau des Armories pa. 25*

u *Loys d' Orleans en les Ouverturs des Parlemens pag. 170, & 171.*

XX. As Viſcounts had thus their original from being ſubordinate to the great Dukes or Counts of *France*, ſo the *Vidames* from being ſo to Biſhops. And as the one, ſo the other, being at firſt merely Officiary, became at length Feudal and Honorary. The Title of *Vidame* is but the French of the Latin *Vicedominus*, which was the proper word for him that exerciſed Delegate Juriſdiction under a Biſhop, as *Vicecomes* for one that did ſo under a Duke or Count. Divers paſſages of the elder times make that clear. *Volumus ut frater noſter Paſchaſius* (ſaith Saint [x] *Gregory*) *Vicedominum ſibi ordinet & Majorem domus quatenus poſſit vel hoſpitibus ſupervenientibus, vel cauſis quæ eveniunt, Idoneus & paratus exiſtere*; So in an Epiſtle of *Urban* [y] the ſecond. *Vicedominus* is reckoned among the *Eccleſiaſticarum rerum Adminiſtratores*. And *Præpoſiti* and *Vicedomini, ſecundum Canones conſtituantur*, ſaith an old French [z] Councel held in DCCCXIII. We ſee alſo the word *Vicedominus* given to ſuch as were under Biſhops in the ſubſcription of the Latin and Greek [a] Edition of the VII. general Councel of *Nice*, where the original is διάκονος. And *Vicedominatus* is for the abſtract of this office in a Decree of Pope [b] *Innocent* III. To the ſame purpoſe; *Bertigranus Epiſcopus Turonenſis* (ſaith [c] *Adrevaldus Floriacenſis*) *Legatos mittit ad ſanctum* Benedictum Flodegarium *Archidiaconum & Arderadum Vicedominum ſuum*. Many other like teſtimonies occurr.

x *Tit. 9. Epiſt. 66. & diſt. 89. c. 2. volumus*

y *C. 1. q. 3. c. 3. Salvator.*

z *Synod. Remenſ. 1 can. 24*

a *Tom. 3. Concil. part. 1. Sect. 1. pag. 521. edit. 1618.*

b *Extr. tit. de Simonia c 38. conſulere.*

c *De Mirac. S. Bened. cap. 6.* Voyez *Paſquier en les Recerches lib. 8. cap. 5.*

But the Viſcounts and Vidames in the extent of their Offices (whence the Feudal and Honorary titles of both are derived) differed eſpecially in two things. Divers Vicounts were under one great Duke or Count, and the place that denominated every of them was that where they reſided: But a Biſhop had but one Vidame, for his whole Biſhoprick. Whence it is alſo that whereſoever that the Vidame reſided or had his fiefe (after ſuch time, as ſuch poſſeſſion or Territory as he had became to be ſetled in him either by gift or permiſſion as a fief) his

France. his denomination was from the Biſhoprick only, as the examples are in the Vidames of *Rhemes*, *Amiens*, *Chartres*, *Mans*, and other like. The other eſpecial difference is that whereas the Officiary Viſcounts generally had the *Moyenne Juſtice* only, or that which is Civil Juriſdiction, or *mixtum Imperium*, the Criminal, or the *Merum Imperium*, or *la Hault Juſtice* (as they call it) being ſtill reſerved in the hands of the Superiors that made the delegation to them; The Vidames or *Vicedomini* had both *Merum & mixtum Imperium* or both Civil and Criminal, or *la Hault Juſtice* in their delegation to them, becauſe their Superiors being Clergy men, could not by the Canons of the [d] Church retain the exerciſe of the *merum Imperium*, or ſuch Criminal Juriſdiction, as inflicts either capital puniſhment or any other by which blood is loſt.

d C.23.q.8.c. *his à quibus* 30 &paſſim Juriſperiti & Theologi qui de cenſuris Eccleſiaſticis; maximè ubi de Irregularitate agunt.

XXI. The title of *Baron* hath both a general and particular ſignification in *France*. Generally it denotes (at leaſt in the elder times) all the Lords, or all ſuch as have the greater honorary Titles within the Kingdom. But more eſpecially it is confined to the ſignification of a particular dignity known only by the name of Baron. The firſt notion of it is ſeen in divers places of the old Writers of *France*; *Aimoinus*, *Fredegarius*, *Villehardovin*, *Froiſſart* and ſuch more that uſe the word Barons generally for all Dukes, Counts, Peers, Marqueſſes, and the reſt; as alſo in an old Ordinance touching the Parlament of *Paris*. *En temps de Parlement* (the words [e] are) *ſeront en le chambre des plez li Soveraigne & Preſident certain Baron & certain Prelat: ceſta-ſcavoire des Barons, li Dux de Bourgoigne, le Comeſtable, le Count de Saint Paul, &c.* And in a Regiſter of the time of *Charles* V. the Dukes of *Anjou*, *Berry*, *Burgundy*, and *Burbon*, and the Counts of *Alenzon* and *Eſtanges* (though all of them were Princes of the blood alſo) are comprehended [f] under the name of Barons. Many paſſages of the ſame kind occurr. And ſometimes *Ber* is uſed for it in the old *Romances* [g] and elſewhere. As *Noble Ber, & poiſſant Meſſiere Henry de vergie*, in his letters of acknowledgment of homage [h] to the Duchie of *Burgundy* in 1329. In this uſe it ſignified a Noble, Stout, Brave, or (more literally) Manly Lord, as thoſe Epithets expreſs a ſecular greatneſs. Whence it is that the abſtract, *Barony*, is ſometimes uſed for Power and Lordſhip; as [i] *tant de Baronie*, or *de Barnage*, which is interpreted, *Such a Power or Lordly greatneſs*, and the like. And *Tenir & Poſſider en Baronie*, hath been uſed to hold not only as a Baron in a reſtrained ſence, but generally alſo to hold a fief as a great Lord; as appears in the examples collected touching this name in the Hiſtory of the Houſe of *Montmorencie*.

e *Regiſt. aurelien.* Chez *du Cheſne en la maiſon de Montmorencie liv.1.chap.5.*

f *De origine Domus Courtenei, pag.148.* & Voiez *Du Cheſne en les preuves de liv.4.de l' hiſt.de la maiſon de Vergy pag.183.*

g Voiez, *Ber, en Rageau des droits Royaux en Baron.*

h Chez *du Cheſne en les preuves du liv. 4.de l'hiſtor.de la maiſon de Vergy pag.240.*

i *D' Argentre Hiſt.de Bretagne, liv.1. chap.13.*

The notion of Baron, reſtrained to a particular dignity, is conſiderable (for the dignity) either in the Barons originally and immediately holding of the Crown, or mediately. Such as originally and immediately held of the Crown, are thoſe of the elder ſtate of *France*. For, when the Crown ſo waſted it ſelf by permiſſion of ſoveraignty to Subjects (as is before remembred) all ſuch great Lords, holding of the King, as had gain'd to themſelves Territories and Juriſdiction differing in extent from thoſe of Dukes and Counts, and yet had not the Titles of either of thoſe or of any other of that nature, nor would aſſume the name of Princes, were ſtiled Barons. And ſome, it ſeems, by Creation, ſome by their own aſſuming it (others

thers alſo attributing it to them, thus originally acquiring it tranſmitted it with their fiefs) to their poſterity. And an antient Writer of *France* ſpeaking of the Kingdom of *Jeruſalem* in the time of the holy Warrs calls it *Principatus* or *Baronia*, becauſe of the narrowneſs of the extent of it. *Regnum Hieruſalem* (ſaith [k] he) *propter ſui brevitatem, Principatum ſeu Baroniam appellamus*; And by that name of *Baronia* he alſo calls the County of *Tripolis*, and *de Roches*, and the principality of *Antioch*. Of this kind of Barons were thoſe antient Barons of *Montmorency*, *Coucy*, *Burbon*, *Beavieu*, and ſome ſuch more. Of the French Baronies *Montmorencie* was ever reputed the chiefeſt, and the Baron of *Montmorencie*, *le priemer Baron de France*, as it is alſo expreſly ſaid in the Charter of Creation of *Montmorencie* into a Duchy before recited. Thence ſome call him in Latin *Archibaro*, and give the reaſon of this dignity out of his being baptized in the ſame Font with King *Clovis*. *Archibaronem appellare* (ſaith [l] *Robertus Cænalis*) *ſolemus Momoranciacum, qui id nominis præ cæteris Baronibus obtinuit quod ſcilicet zelo Chriſtianiſſimo accenſus, eidem Lavacro ſe immiſerit quo Rex* Clodovæus *protochriſtianus ſacro baptiſmate ablutus eſt*. And, as ſome have conceived, it was the firſt as well in time as dignity. For they ſay, that that there was a time when no other Barony beſides *Montmorencie* was in *France*. *Nec fuit antiquitùs aliqua alia Baronia in Francia quam ſua* (ſaith *Johannes Galli* [m] ſpeaking of the Barony of *Montmorencie*, under *Charles* the Sixth, whoſe Advocate he was) *ante advocationes & acquiſitiones quæ de poſt factæ fuerunt à Regibus Franciæ*. But they cite alſo out of the *Grand Cuſtumier*, [n] that antiently there were but three Baronies in all *France*; and in that number they omit *Montmorencie*. *Bourbon*, they ſay, *Coucy* and *Beavieu*. For ſome particulars of the nature of theſe kind of Barons, there is a ſpecial example in *William* [o] *de Nangis*, where he ſpeaks of the *Sire de Coucy* under Saint *Lovis*. And, becauſe it hath ſomewhat of the privilege they had in trial, of the annexation of the title to a fief or Territory, and of the tranſmiſſion of it alſo, with part of the whole Barony, upon partition between brothers, none of which yet ſeems ſo clear in it as that any ſure aſſertion touching their dignity may be eaſily extracted from it; I tranſcribe it wholly and leave it to better judgment. Three young Gentlemen of *Flanders* that lived with the Abbot of Saint *Nicholas du boys* to learn the French, were cruelly put to death by *Enguerran le Sire de Coucy* (for ſo was his name, but in *de Nangis* a ſpace is left for it) their faults being nothing above hunting in the Baron's Foreſt. The Abbot aſſiſted with the power of *Gilles de Brun* Conſtable of *France* (of whoſe Family they ſay the Gentlemen were) complain'd to the King of it; whereupon that *Sire de Coucy* was called *ad Curiam ſuper tali facinore reſponſurum. Qui in Regis præſentia conſtitutus dixit ſe de reſponſione cogi non debere, volens & petens per* Pares Franciæ, *ſi poſſet*, ſecundùm conſuetudinem Baroniæ *judicari. Sed contra eum probatum extitit per Curiæ retroacta quod terram in Baronia non tenebat, quia terra* de Bevis *& de* Gorneyo, *quæ à terra de* Couciaco *per fraternitatis partitionem deciſa fuerat, illud Dominium Baroniæ importabat. Tali igitur altercatione negotio dependente, Rex Dominum de* Couciaco *non per Pares nec Milites ſed per Clientes Aulicos, fecit capi & domo ſua Pariſiis, quæ* Lupera *dicitur, cuſtodia reſervari, diem ſibi conſtituens ad quem omnes Regni Proceres convenirent. Proceribus verò poſtmodum Pariſiis congregatis, Dominoq;* de Couciaco *in medio conſtituto,*

k *Geſta Ludov. 4. Lud. Groſſi. pag. 149. Edit. à P. Pithæo 1596.*

l *Periocb 13. pag. 108.*

m *Queſtio 214 Chez. de Cheſne en les preuves de l'hiſt. de Montmorencis pag. 3. anno 1391.*

n *Ragueau des droits Royaux verb. Baronie.*

o *De Geſt. Ludovici Regis pag. 441. Anno 1256.*

France. *tuto, Rex cum ſuper caſu prædicto reſpondere compulit. Tunc ille per Regis voluntatem omnes Barones ibidem conſiſtentes ſui generis vel parentelæ ad ſuum conſiliũ convocavit, tantaque fuit ibi ſui generis Nobilitas, quod Rex quaſi ſolus præter paucos conſilii ſui remaneret. Ipſe Rex etiam non erat expers affinitatis illius parentelæ. Erat autem Regis intentio juſtum judicium judicare inflexibiliter, ut ad pœnam talionis dictus Dominus puniretur, & morte conſilii damnaretur. Vix tamen ad ultimum precibus & interventu Procerum ſic fuit ordinatum, quod decem millibus librarum vel circiter vitam ſuam redimeret, & duas Capellanias conſtitueret pro animabus puerorum ad perpetualiter celebrandum.* Theſe antient Barons affected rather to be ſtiled by the names [p] of *Sire* than Baron, as *Le Sire de Montmorencie*, *Le Sire de Beavieu*, and the like. And the Baron of *Coucy* carried, to that purpoſe, this rithme [q] in his device.

p *L'oyſeau des Seigneuries chap.7.§.39.*

q *Paſquiere en les Recerches liv.9.chap.5. §.37.*

Je ne ſuis Roy ne Prince auſſi,
Je ſuis le Sire de Coucy.

r *Des Seigneuries chap.5.*

But, of the elder of this kind, there is not (ſaith [r] *L'oyſeau*) one *Barony* or *Sirerie* left. For, they being all of great Juriſdiction and Territory, have either revolved to the Crown, or been erected into Duchies, Marquiſates, or Counts at the deſire of the Barons that ſaw their Titles, but the ſame in expreſſion which was common to ſo many others that held, not immediately of the Crown; but only of Dukes or Counts, and therefore procured themſelves to be honoured with more diſtinct and ſuperiour Dignities. Such as originally held mediately of the Crown, that is ſuch as were immediately dependent on the Duchies or Counties, are many of thoſe that to this day are the Baronies of *France*; and though they are now held of the King, yet they are not held as of the Crown, but as of the old Duchies and Counties, that have been long ſince united to the Crown. Of theſe kinds in every Duchy and County there is ſtore enough.

For the antient right of ſuch Barons obſerve that of *Robert* Count of *Bologne*, his confirmation of the gift of the County of *S. Pol* (which was held of him) by *Hugh de Chaſtillon*, to his brother *Guy de Chaſtillon* & the ſetling the conditions of it. All was done by the judgment of the Barons of the Count of *Bologne*, to whom that right of ſuch judgment belonged. *Et fuerent toutes ces choſes* (ſays the Charter of [f] Confirmation) *devant dites faites par devant nous bien & ſuffiſament & a loy & par jugement de nos homes Barons de Boullenois qui ce povoient juger & devoient. Ceſt aſcavoir* Monſeigneur *Guillaume de Coulambers*, Monſieur *Huon d' Ordre*, Chevaliers; *Huon d' Aucoich* Seigneur *d' Ervy*, *Anſeil de Sanghetim*, *& Morians d' Auvinghe*, *&c.* And in *Bertrand d' Argentre*, the placing of all the Barons of *Bretagne*, in the Duke's Parlament determined by the Duke and them upon queſtion in a Parlament held there in MLXXXVII. under Duke *Alan Fergent* is at large [t] tranſcribed out of the Records of that Duchy. And for the Creation of a Baron and Barony in that Duchie, ſee that of Duke *Francis* II. in MCDLXXX. by which [u] he created *Francis* his natural ſon Baron of *Avougour*, and gave him the Barony, reſerving only *la ſoverainte*, *l' homage & le reſort* to him. It is reported in the caſe of the Count *de la Val*, touching the County *de Quintin*, where divers other obſervable particulars are touching Baronies and other Feudal dignities of *France*.

f *Anno* 1292. *Chez* Du Cheſne *en les preuves du liv.6. de l'hiſt. de Chaſtite pag.160.*

t *Hiſt. de Bretagne liv.1. chap.13.*

u *Simon Marion plaidoye. 9.pag.286.*

The

The beginning of these kind of Barons, were for the most part either by Creation (which was solemnly done by the old Dukes and Counts) or by assumption of the Title which was the antienter course. That assumption was especially used by the young sons of Counts, that receiving part of their Fathers Inheritance, as it were in appenage, without the honorary Title of Count, that went only to the eldest, stiled themselves Barons of that Patrimony. And for the restrained notion of Baron in the antient times especially, thus much. *France.*

x Videsis *Bertrand. D'Argentr. dicto loco*

In the later ages and at this day, those of the Baronies held immediately of the King as of the Duchies [y] and Counties, and such Fiefs as are at the King's pleasure newly erected into the Title of Baronies, are the only Territories that give this Title. And it is in some others also as merely honorary by the Creation [z] of the King. But although in some Towns the custom be to call the son and heir apparant of the Lord, [a] *le Baron*, yet that, I conceive, to be rather from the peculiar language of the place only, as the husband of a wife is in the Law French of *England*, and the Customs of *Picardy*, named Baron, or as the Inhabitants of divers Towns are called Barons, than in regard of any honorary expression. The old circumstances of the Creation of a Baron is not fully agreed on in the Ceremonials that belong to those honorary Titles in *France*. One says, the person, to be honoured with this dignity, ought to have under him a Banneret or six Knights Bachelors, every one of them having six hundred Franks Rent. Another that he must have four *Chastellains*. Other differences are. But with consent enough they deliver that he was first to be made a Banneret. So that he might have *Statum Baronis & honorem Vexilli* as it is said of *Matthew* [b] *de Gournay* a Baron of the Duchy of *Guienne* under *Henry* IV. King of *England*. But touching the dignity of Banneret, more anon; although, because it is involved with *Baron* in the passages of those Ceremonials, the Creation of it must here also be transcribed. The *Sallade* to this purpose, thus. *Quant ung Chevallier ou Escuyer noble de touts ses quatre lignes a la terre de dix Chivaliers ou Escuyers Bachellier, & se veult faire Banneret, fault per droit d' Honneur que primer ait, de sa Patrimony ou acquis, pour estre accompagniez du maynes de* IV. *ou* V. *nobles homes continuelment a douz ou a seiz chevaulx; lors se peut faire Benneret par la fazon que l' ensuit. Le Roy ou le Prince licitement donera* Benniere *& luy coupera la quive de son pennon a la primer bataille ou il se trouvera & le fere la Chevalier s'il ne l'st. Et lors sera*, Benret. *Et s'il ne le fait en guerre, le peut faire en jour solemnelle feast apres le service devin, luy estant en sa chaire & les* Bannerets *a genoulx. Et s'il avance sa Seigneury performe que il puisse avoyr ung* Bennert *ou* six Chivaliers *chascun de* six cens Francs de rent *soubz luy, a lor il peult, per le* Conge du Prince, se dire Baron; *& autrement le Prince que le souffre, soule les termes de raison.* At the end of *La division du monde*, there are three Battailes to be or three goings into the field, it seems, before the Baron be made. And of the two preceding Battailes or goings into the field, at the first, the King is to give him a banner, by reason of which delivery, in the second Battaile, he hath the dignity of a Banneret, and in the third of a Baron. *Item pour faire ung* Baron; (so are the words there) *cest quant ung Chevalier ou Escuyer a la terre de quatre Baceles, ceste a dire quatre Chastelleins terrennes ayant droit de Justice Hault moyenne & Basse; le Roy luy peult bailler Banniere la primer battaile de guerre ou se trouva le dict Escuyer; & a la duxiesme il est*

y Voyez *Simon Marion Playdoye 9.*

z *L'oyseau des Ordres chap. 12. §. 28.*

a *Idem des Seigneuries chap. 7. §. 43.*

b *9. Hen. 4. in Rot. Vasc. 15. H. 6. membr. 4. mund. 2.*

France. *Banneret & la tierce il eſt Baron*, and accordingly is that which is anciently printed at the end of the *Geſta Romanorum*, and publiſhed by *Robert Gagwin*. But when a Barony came to the King by Eſcheat or otherwiſe, the gift of the Barony it ſelf by Charter without other Rites of Creation made the Patentee a Baron as we may ſee in the example of our *Henry* VI. his giving [c] the Barony of *Montmorency* forfeited to him as King of *France* to *John* the Baſtard of Saint *Pol*. And the like may be ſaid of ſome conveyances of Baronies there by common perſons. And indeed the later times have not theſe old circumſtances belonging to the Creation of Barons. Only the Patent of Creation, and the King's pleaſure declared in it, ſufficiently erect any Fief into the dignity of a Baron. It is true that it is ordained in that Edict of *Henry* III. That every Barony ſhould [d] conſiſt of three *Chaſtellanies* at the leaſt which ſhould be united under one homage to the King. But that was only verified in the Parlament of *Rennes*.

c 7. Hen. 6. en la Chancellerie du France Chez A. du Cheſne en l'Hiſtor. de Montmorencie, liv. 3. pag. 233.

d L'oyſeau des Seign. chap. 4. §. 72.

But for thoſe *Chaſtellanies* remembred here, as alſo in one of the old Ceremonials; they are only the Lordſhips originally of Caſtles or Fortreſſes in places of leſs note than uſually have been raiſed into Baronies. And the Lords of them are called *Chaſtellaines*, which is a Feudal dignity that follows that of Baron. And ſome give the Barons there two ſingular [e] prerogatives that really alſo diſtinguiſh them from *Chaſtellains*. One, that Barons may incloſe the Towns of their Baronies with Walls, and ſo have *droit de ville cloſe*, which yet for more ſurety they obtain ſometimes from the King. And the *Chaſtellains* have not this liberty. The other is, that the Feudal Barons have in their Fiefs of Barony, *hault Juſtice* or *Criminal*, and Civil Juriſdiction generally, and the *Chaſtellan* only, *la baſe Juſtice*, or that which is exerciſed only in Civil actions or ſuch almoſt as in the Courts Baron of *England*? We ſpeak here of *Feudal* and *Seigneural Chaſtellans* originally made (as other Feudal dignities) of ſuch as were Officiary in the elder times. But in the cuſtoms of *Poicton*, the *Chaſtellan* hath *la hault Juſtice*. But he is diſtinguiſhed there moſt eſpecially from a Baron, in this; that where a Baron, and all above a Baron may bear their Arms in a Banner or *en drappeau quarrè*, the *Chaſtellan* may only *en forme d' Eſcuſcion*, or in a Pennon. But the *Chaſtellans* there, are only Officiary and not Feudal, as *L'oyſeau* tells us they are alſo in *Auvergne* and the *Dauphinè* to this day. But alſo *Carolus Paſchalius* attributes a kind of Crownet to Barons, by which, I think, he means the Barons of his own Country which is *France*. *Baronibus* (ſaith [f] he) *licet geſtare non quidem Laminam integram & latam ſed tenuiorem ac reſtrictiorem, ac veluti circulum ſive gracile vinculum aureum.*

e Idem chap. 7. §. 72.

f De Coronis. lib. 9. cap. 22.

XXII. Theſe Feudal and greater dignities of *France* being thus opened, we conclude them with one of the Titles in the Code [g] of *Henry* IV. wherein the nature or ſtate of moſt of them together, is thus ſummarily delivered.

g Hen. 4. *Codicis à* Thoma Cormerio *edi. bi lib.* 8. *tit.* 2.

De

France.

De Ducatu, Marchionatu, Comitatu, Baroniaque.

I. DUcatus, Marchionatus, Comitatuſque *tituli ac prærogativæ à ſolo Rege tribui poſſunt.*

But this is ſpoken with relation only to thoſe parts of *France*, that are actually in obedience to it. See before §. 14.

II. Baronia, Marchionatu, Comitatu, Ducatu, *à Rege cuicunq; ac quocunq; titulo ac prærogativa conceſſis, fidei obligatio, clientelaq; Regi debita, ſed & ſummum de appellationibus judicium excepta intelliguntur.*

III. *Si quod prædium gentilitium, quod in alterius clientela eſſet*, Ducatus, Marchionatus, Comitatus, Baroniæve *nomine appelletur à Rege*; *ut ſi* Baronia *quæ* Comitem *aliquem patronum haberet*, Ducatus *titulo inſigniantur, nihil juris antiquo patrono decedit*; *ſed nec fidei clientelaris obſequioſæque pollicitationis obligatio remittitur*; *præſeſſionis tamen honorumque prærogativa aliis in rebus in ampliori dignitatis gradu conſtitutis defertur.*

IV. Ducatus, Marchionatus, Comitatus, Baroniæ, *ſi cuiquam de plebe à Rege deferantur, Nobilitatis jura eidem attribuuntur.*

V. *Hæc prædia à fœminis quoque poſſideri poſſunt.*

VI. *Hoc prædiorum genus teſtamento relinqui aliis quam quibus legum municipalium præſcriptis morte poſſeſſorum deferatur, non licet. Sed nec minores liberi prædiis ullis gentilitiis quantumvis inſignibus quæ illis vel tota vel ex certa portione venire hæreditate debeant, excludi ullis parentum decretis poſſunt.*

Such autorities of Laws alſo, as more at large juſtifie theſe poſitions, are added in that Code.

XXIII. As Barons and ſome other titles have ſignifications both general and particular, ſo alſo hath the title of *Chevalier* or Knight. Generally it is applied to all Feudal Lords, as Counts, and Barons, together alſo with the great Officers that[h] are called *Chevaliers* and *Seigneurs* alſo indifferently. So in old *Gaule*, we ſee the name of *Equites* was as comprehenſive in *Cæſar*'s expreſſion of the ſtate of that Country. But the particular ſignifications of it are in divers orders of Chivalry or Knighthood, as in *Knights Bannerets*, *Knights Bachelors*, *of the Starr*, of *Saint Michael*, *of the Holy Ghoſt*, and others of antienter but of leſs note.

[h] *L'oyſeau des Ordres chap. 6. §. 11.*

France.

Bannerets, *Chivaliers a Banniere*, or *Milites ferentes* [i] *Bannerias* have the liberty, of [k] bearing their Arms in the field on a Banner, given them. An old Creation of them is before [l] ſhewed out of the *Sallade*, wherein there is a ſolemn cutting of their Pennons or *drappeaux quarrez*, which are moſt properly Banners. But the delivery of a Banner at the firſt battaile was (according to one of the forms of Ceremony already ſhewed) but a preparation, it ſeems, to the making or being of a Banneret which followed at the ſecond battaile. That is taken out of *La diviſion du monde*, where alſo there is another form of Creation of a Banneret without any relation to ſeveral Battailes. And as much revenue as will maintain fifty Gentlemen at the leaſt under him to follow his Banner, is there ſuppoſed requiſite for ſuch dignity. *Pour faire un Chivaliere Benneret* (ſo are the words) *ceſt quant il a longement ſuyvy les guerres & que il a aſſez terres & revenue tant que il peult tenir & ſoudoyer* cinquants gentils homes, *pour accompagnier ſa* Banniere. *Lors il peult licitement lever l'adit* Banniere *& non autrement, car nul autre home ne puit porter* Banniere *en Battaile ſil n'a cinquant homes preſtz pour battailler.* And ſome ſay that a Banneret need have but XXV. Gentlemen [m] under him, ſome [n] ten. But it is elſewhere alſo delivered (as in that is before cited out of *La Diviſion du monde*) that he muſt have fifty; as at the end of the old printed *Geſta Romanorum* in French; where alſo the cutting of the Pennon is expreſly required, and the Creation is thus attributed to the Conſtable or Marſhals. The words are, *Quant un Chivalier a longement ſervy & ſuivy le guerre, & que il ad terre aſſez tant que il peult tenir* cinquante Gentil-homes *pour accompagnier ſa* Banniere, *il poit l'ors licitment lever* Banniere *& non autrement. Car nul autre home ne poit porter* Banniere *in bataile, s'il n'a cinquante homes d'armes & les archeries & les Arbaleſters que y appartenit. Et ſil les a; il doit a la premier Bataile ou il eſt apporter ung pennon de ſes armes & doit venire* au Conneſtable au aux Marchaux, *& requerere quil ſoit* Banneret *& s'ilz luy ottroyent, doyvent faire ſonner les trompets pour teſtimoigner & doit ainſi copper les queves de Penon & lors le doit lever & porter aveques les autres ou au deſſoubs des Barons.* This dignity hath been * frequently both perſonal and patrimonial, or Feudal. They are both comprehended in that definition of *Ragueau. Les Bannerets ſont les vaſſaux, que peuvent lever Banniere, eſtendart, Cornets, & compaignie des gens & qui dovient ſervir avec Banniere ſelon le condition de leur fiefs ou que portoient les Banniers en un armee.* *John* V. Duke of *Bretagne* exerciſing royal power, as thoſe great Dukes did in moſt particulars, created *Meſſire Jan de Beaumanoire* Lord *de Boys, de la Motts*, and *de Tremeretto* into this title, to him and to the ſucceeding Tenants of thoſe places by this [o] Patent in 1433. under King *Charles* VII.

[i] *Hiſtor. Norm. à Duſiano edit. pag.* 1031.
[k] *D'argentre Hiſtor. Bret. lib. 1. cap. ult.*
[l] §. *præcedente.*
[m] *Oliv. Marchian. apud. Chop. de Domanio lib. 1. tit. 23. §. 14.*
[n] *L'oyſeau des Seign. chap. 8. §. 6.*
* *Voyez Monſtrelet. Tom. 1. cap. 93 Paſquier Recerches lib. 2. cap. 16.*
[o] *Auguſtin. du Paz, Hiſt. de pluſieurs maiſons de Bretagne pag.* 721.

JAn *par le grace de Dieu, Duc de* Bretagne, *Conte de* Montfort *& de* Richmont, *a tous ceux que ſes preſentes letters verront ou oyront Salut. Comme de nos droits & ſoverainetes a nous ſeulement en noſtre Duchie appartienne augmenter & accroiſtre les droicts honeures & privileges de nos ſubjects, & ſoit digne ainſi le faire a ceux par eſpecial que de nous l'ont loyaument deſſervy, & il ſoit ainſi que noſtre bien aimè & feal Chivalier & Chambellan* Meſſire Jan de Beaumanoir, *Seigneur,*

gneur du Boys, de la Motte *&* de Tremereuc *ſoit iſſu & extraict, de toutz ſes lignees, de grandes & nobles lignees & extractions, par raiſon deſquelles il a pleuſieurs grandes & nobles richeſſe tenues de nous tant prochement que par moyen, & auſſi puiſſance & faculte, tant de ſubjects, que de* Rents *et* Revenues *de tenir eſtate de* Seigneur a Banniere *et de jovir des privileges et dignities dont ceux qui ont tenu tiel eſtate doievent et ont accuſtume tenir. Sçavoir faiſons que nous ayants conſideration des dites choſes et bons, loyaux, et notables ſervices que noſtre dit Chambellan et ſes predeceſſeurs ont faitz a nous et aux noſtres, ſans reproches, eſperant que loyaument il et ſes ſucceſſeurs continuerent de bien en mieux; en recognoiſſance meſmes, et pour partie de remuneration d'iceux et autres cauſes a ce nous mouvants, aviour d'huy de noſtre grace et plenier puiſſance, par advice et deliberation de noſtre conſiel, a noſtre dit Chambellan pour luy & ſes ſucceſſeures Seigneurs des dits lieux & chaſcun d'eux avons donne & octroy, & per ſes preſentes donons & octroyons conge, licence & plenie puiſſance de prendre de luy-meſme, garder, avoir, et mainteiner en perpetuel,* Armes et Bannieres *et journees, batailes, enterrements, obſeques et tous autres lieux ou il appartiendre et leur ſera convenable comme les anniciens* Barons *et* Bannerets *de noſtre dit Duche,*[p] *Mareſchal, Admiral, Preſidens, Seneſchaux, Allovez Bailiffes, Prevoſts, Proceureurs leurs lievetenants, a tous nos autres Juſticiers et Officiers de noſtre Duche, a que de ce peut et doit appertenir, et chaſcun de eux pour ce que luy tonche en commetant ſi meſtier eſt noſtre preſent grace et faire et ſouffrir noſtre dit Chambellan et ſes dits hoirs et ſucceſſeurs pleniermentjovir, ceſſants tous empeſchements au contraire, car ainſi nous plaiſt. Et de ce faire lour ordonnons plein pouvoir et autorite de par nus et mandement ſpecial. Mandons et commandons a tous nos feaux et ſubjects en ſe faiſant de leur obeier et diligemment entendre. En teſtimoing de ce pour valoir en perpetuel, nous avons fait ſeeller ces preſents de noſtre ſeel en lacs de ſeie et cire verde. Donne en noſtre ville de* Rennes *le vingt et unieſme de Juellet, l'an mil quatre centz trent trois.*

France.

p The Copy is imperfect, it ſeems, in this place, in *Dñi Paz.*

Theſe letters were recognized in the aſſembly of the three eſtates of *Bretagne* at *Rennes* MDCXI. and regiſter'd there, being exhibited by *Jan d' Avageur Seigneur de Saint Lawrens*, that challenged place by them. Of ſuch feudal Bannerets, is that of an arreſt in the Parlament of *Grenobe* in MDLVII. to be underſtood. *Les gentilhonies, ſoient Seigneurs de place ou autres,* [q] *ſont juriſdiciables du Seigneur* Banneret *dans la juriſdiction du quel ils reſident & ne pennent recovrir ailleurs.*

q *Code deciſ. Fav. liv. 12. titre 2 deciſ. 5.*

And

France. And such Feudal Bannerets were created by *John* Duke of *Burgundy*, in MCCCCLII. as we see in the example of *Loys de la viefville, sieur de Sains, & Jacques sieur de Harchies*; the first being created or restored by him as Duke of *Burgundy*, into the title of Banneret, by reason of the Seigneurie of *Sains* that was an antient Fief-Banneret, the other having his Seigneurie of *Harchies*, made a Fief-Banneret by the Duke as he was Count of *Henault*. And so much as concerning the Creation of both is related in *Oliver de la*[r] *March* we transcribe here. *Au camp du Duc de Borgongne pres Rupelmonde* (so he relates that of the *Sieur de Sains*) *contre les Gantois l'an* 1452. *Messire Loys de le viefuille Sieur de Sains* releva Banniere *& le presenta le Roy de Armes de la* Toison *d'or & le dit Messire* Loys *tenoit en un lance* le pennon *de ses pleins Armes, & dist le dit* Toison, *Mon tresre doubt & soveraine Seigneur, voicy vostre humble subject* Messire Loys de la Viefuille, *issue D'auncienne* Banniere, *a vous subjecte, & est la Seigneure de leur* Banniere *entre les mains de son aisnè & ne peut ou doit sans mesprendre, porter banniere quant a la cause de la Viefuille, dont il est issu: Mais il a par partage la Seigneurie* de Sains, *auncienment* terre de Banniere: *Par quoy il vons supply (considerè la noblesse de sa nativite, & les services faitz per ces predecesseurs) qu'il vous complaise le faire* Banneret *& le* relever en Banniere, *& il vous present son* pennon Armoyè *suffisament, accompagne de* 25. *homes d'armes pour le moins, come est & doit estre l'auncienne coustume. Le Duc luy respondit, que bien fust il venu, & que voluntiers le feroit.* Then for the *Sieur de Harchies*; *Messire Jacques sieur de Harchies en Haynant* (saith he) *se presenta aust devant le dit Duc estant en son dit camp, & porta* son penon *suffisament accompagne de gens d'armes siens & d'autres que l' accompagnoient. Celuy* Messire Jacques *requist a son soveraine Seigneur, Come* Conte de Haynault, *que il le fist* Banneret *en la Seigneurie* de Harchies; *luy estant fort vaillant Chivalier, & les siens ayans honorablement servie aux guerres. Si luy fuit accord, & fuit fait* Banneret *celuy jour le* Sieur de Harchies. *Ainst a il difference de relever* Banniere *& d'entrer en* Banniere.

[r] *Apud Chopp. Dom. lib. 1. tit. 13. §. 14. quem videsis lib. 3. tit. 25. .14. & Tillium de rebus Gall. lib. 2.*

In these examples we see the Pennons were. But all the particulars that followd thereof are not related. Yet, it seems, that either the end of the Pennons were cut of, or else that some solemn grant was in the Creation, that they might afterward bear their Arms in a Banner, and not be tied to the form of a Pennon as before. I know *L'oyseau*[f] cites the *Sallade*, as if it justified that a Banneret were antiently created by the delivery of a Pennon or *Drappeau en Escusson*. But that Copy of the *Sallad* that I use, shews that the point of the Pennon or Streamer was cut off, and so the shape of it altered into a Banniere or *Drappeau quarre*, or a Square. For to bear a Banniere, and to bear Arms upon a Square, are the same in the elder times. That is plain (besides other testimonies) in the Customs of [t] *Poictou* where the words are. *Le Comte Vicount ou Baron peut portre Banniere; que est adire, quel peut en guerre & en Armoiries porter ses armes en quarrè.*

[f] *Des Seigneuries, chap. 5. §. 50. Vide eum cap. 8. §. 2, 3. &c.*

[t] *Art. 1.*

In regard of the antient nearness of Bannerets to Barons (for before the Orders of Knighthood, whereof the King is Master, in the later ages instituted, there was no dignity between them) and of their having of right of bearing their Arms in a Banniere, which none by any dignity, which is not Officiary with relation to the wars, besides themselves and Barons, and such as are above Barons, might do; some have stiled them [u] *Baroncts*, as if they had a diminutive title of Barons. I say,

[u] *Bertr. d' Argentr. Hist. de Bret. lib. 1. cap. 13.*

ſay, none by any dignity which is not Officiary with relation to the wars. For the Conſtable, the Marſhal, the Admiral, and ſome ſuch more might and ought to bear (ſays both the old Ceremonial printed at the end of the old *Geſta Romanorum* in French, and the *Sallade*) a Banniere though they were neither Barons nor Bannerets. *France.*

XXIV. *Knights Bachilers* are ſuch as are raiſed for their merit, or upon apparant hope of their merit, into a degree next beneath that of Bannerets, and above the rank of Eſquires, being created into it. For the original, enough is already ſaid in the Knights of the Empire. The Creation of them or Dubbing as they call it (*Donner l'accollee* or *l'accollade*, being to *dub a Knight*, and *recever l'accollade* to be Knighted) is from antient time in *France*, as in divers other Countries, by ſtriking (thrice, ſome ſay) the perſon to be honoured. And in ſome old Ceremonials, the pronouncing of theſe words is added; *Je te fais Chevaliere au nom de Dieu & de mon Seigneur Sainct George*, with ſome others. *Miles eſto*, are called the *verba aſſueta*, in giving Knighthood by *Philotheus Achillinus* a feigned name of a French Author under *Charles* V. *Rex dedit ſibi ſupra Collum*, ſaith [x] he, *dicens verba aſſueta, Miles eſto.* And an Eſquire eminent for his ſervice may, according to the antient Ceremonial, demand this honour, as of right due to him. But of theſe things more particularly. And in this Title we conſider here, Firſt, the *Forms of Creation* that more largely occur of it; Secondly, the *perſons in whoſe power it is or hath been to conferr it*; Thirdly, *the quality of the perſons on whom it is conferred*; Fourthly, *the names by which it is ſtiled*, together with the antient memory of the right of *uſing a ſeal of their own*, ſuppoſed by ſome as if that had been proper only to ſuch as had received this dignity.

[x] *Somn. Viridarii part. 1. cap. 117.*

For the *Creation*; in the *Diviſion du Monde*, it is thus delivered. *Item comment on doit faire & Creer ung* Chivalier. *Quant ung Eſcuier que a longement voyage & eſte en pleuſeurs faicts d' armes & que a de quoy entretenir ſon eſtate, & quil eſt de grant maiſon & Rich & quil ſe trouve en un battaile ou recounter, il doit adviſer le chiefe de l'arme ou vaillant Chivalier. A lors doit venir devant luy & demaunder*; Chivalier au nom de Dieu & de Sainct *George* donnez moy le Ordre; *& le dit Chivalier ou Chiefe de guerre doit tirer l'eſpee nue vers le dict demaundeur & doit dire en frappant trois fois ſur iceuly*; Je te fais Chivalier au nom de Dieu & de mon Seigneur Sainct George, *Pour la foy & Juſtice loyalment garder & l'egliſe, femes, Vefues, & Orphelins defender.* And it is added that if the perſon that demands this honour, have not a good eſtate, it is not to be given him, unleſs competent means, *pur le honeur de l'order de Chivalier*, be alſo given him with it. In like manner the form of Creation is at the end of the old French *Geſta Romanorum*. But in the *Sallade* the Creation hath in it the girding on of the Sword and the putting on the gilt Spurrs, and a memory of bathing, Vigils, and other particulars. *Coment ung Eſcuyer ſe doit faire Chivalier. L'eſcuyer quant il a bien voyage & a eſte en pluſeurs faitz d'armes d'ont il en eſt Sailly a honneur & quel a bien de quoy maintainer l'eſtate de* Chivalier (*car autrelment ne luy eſt honneur*; *& luy vault mieulx eſtre* bon Eſcuyer *que un* pour Chivalier) *dont pour pluis honorablement le eſtre que avaunt la bataile, l'aſſault, ou Benniers de Princes ſoient, alors doit requirer auſcun Seigneur ou preud home Chivalier que le face Chivalier au nom de Dieu, de*

noſtre

France. *noſtre Dame & de mon Seigneur Sainct* George *le bon Chivalier, en luy baillant ſon eſpe nue en baiſant la ..... Aultres bon Chivaliers ſe Font Sainct* Sepulchre *noſtre Seigneur pour amour & honneur de luy. Aultres ſe Font a la Sainct* Katherine *ou ils ont lours devotions; Aultres ſe Font que ſont* Baignees *en cuves, & puis reveſtus tout de neuf, & celle nuit ont veiller en l'egliſe ou ils doient eſtre en devotion jeſque apres le grand Meſſe Chaunter. Lors Prince ou aultre Chevalier, Seigneur Chivalier luy* donera l'accolle *et luy ceint d' eſpee doree; puis luy ſont chauſſez les eſperons dores.* And he is to make a profeſſion (ſaith the *Sallade*) to maintain the Chriſtian faith, the right of Ladies, Widows, and Orphans. For that of Bathing, Vigils, and ſuch like (which are almoſt the ſame in the making Knights of the Bath in *England*;) they were in ſome uſe in the elder times in *France*, at the giving this Order of Knighthood, as *Du Tillet* alſo remembers. And in an old Book of Cheſs-play, written by a Frenchman, and tranſlated by *P. Caxton* into Engliſh, it is ſaid, *When the Knights been made, they been bayned or bathed. That is the ſign they ſhould lead a new life and new manners. Alſo they wake all night in Prayers and Oriſons unto God that he would give them grace that they may get that thing that they may not get by nature. The King or Prince girdeth about them a Sword in ſign that they ſhould abide and keepen him of whom they have taken their deſpences and dignity.* Yet it ſeems theſe Ceremonies were not ſo uſual in *France*, but that, in ſome Provinces there at leaſt, about DC years ſince they were wholly omitted, and utterly diſliked, as appears hereafter in a teſtimony out of *Ingulphus* touching the *Normans* where we ſpeak of the Knights of *England*. *Francis* the firſt (as *Hadrianus* [z] *Junius* notes) brought that antient faſhion into uſe again. *Inter virtutis præmia* (ſaith he) *apud pleraſque gentes fuit Equitum, quos illud ſæculum ab aureis ornamentis, quæ illis attribuuntur Auratos appellat. In quem honoris ampliſſimi gradum nemo antiquitus optari ſolebat, niſi quem facinora præclara & ſpectata in bello virtus eo merito dignum nobilitaſſent. Talibus namq; ſolis ut periculorum præmium, et laborũ fructus, ab ipſo exercitus duce ſolenni quodam ceremoniarum ritu, is honos deferebatur, inſpectante omni multitudine. Quem morem planè obſoletum ante non adeo longum tempus revocavit in lucem* primus Franciſcus Galliarum Rex *cũ in nobili illo contra Helvetios conflictu ipſe fortiſſimè dimicans inter primos & fortiſſimos, Ducis pariter & ſtrenui militis munia obiiſſet, ut nimirùm illuſtris clariq; exempli aſſertor exiſteret, additis ſolennibus de more veteri ritibus. At alii hoc ſeculo inolevere mores quando honores adulterantur, dignitatis Equeſtris gradus adulatoribus, potentibus, et gratioſis hominibus, aut opulentis qui militiam nunquam viderunt, etiam citra ſpectatæ virtutis teſtimonium, ceu emptitia merx promiſcuè confertur, per ſtricto leviter, nudo enſe humero lævo, idq; Imperatoris aut Ducis manu, additis verbis ſolenni more conceptis.*

z *Batav. cap.* Videſis *Vincent. Lupan. de Magiſtr. Francorum cap. de Equi. Ordinis.*

For aides due to the King and other Lords when their eldeſt ſons receive this dignity; there is teſtimony obvious [a] enough in the French Lawyers.

The *Perſon that conferrs this honour by Creation* (for it is only given by Creation, and no man is born to it) is at this day regularly the King only; although the antient cuſtom were that ſome Subject did alſo do it; And that, not only Princes and great Dukes and Counts, but ſome of leſs note alſo being Knights. For that of Princes; the examples are remembred, in the French [b] Writers, of the Count of *Flanders*, *Nevers* and ſuch more. For others; they ſay that the cuſtom, in *Provence* and

a *Choppin. de Dom. 3. lib. 3. tit. 4. art. 8. & tit. 26. §. 14. Bertrand. Argentr. in Conſuet. Britan. Art. 88. &c.*

b *Til. de Rebus Gall. lib. 2. L'oyſeau des Ordres, chap. 6. §. 38. Pithou. ſur le Cuſt. de Troys Art. 1.*

and *Breaucaire*, was that the Burgeſſes and Tradeſmen, (ſuch as might not otherwiſe receive the dignity at any hand, but by the ſingular lieve of the King) might be Knighted both by the Barons and the Prelates there. And remember alſo what occurrs in that which is before tranſcribed for the ceremony of making a Knight. And we add, that in the old Stile and *Protocolle* [c] of the Chancery of *France*, the forms of ennobling in Letters *d' Ennobliſſement*, have a ſpecial clauſe that the Patentee and his heirs males *Quandocunq; et à quocunq; milite voluerit, valeat cingulo militari decorari.* *France*,

[c] *Leſlie & Protocolle. A Lyon 1577. pag. 241.*

They that receive Knighthood, are of all kinds. The King's ſons as well as his ſubjects have had acceſſion [d] of honour by it. And examples thereof are as antient [e] as the time of *Charles* the great. The Kings themſelves alſo ſometimes received it, as we ſee in the example of *Lewes* XI. who at his Coronation was [f] Knighted by *Philip* Duke of *Burgundy*, as alſo *Francis* the firſt by *Piere Baiarde*. Other Kings by others. Yet there is a note in *Monſtrelet*, that (I know not upon what ground) every ſon of a French King [g] is a Knight at his Chriſtening, and that it was a meer novelty for the King of *France*, to receive a Knighthood as *Lewis* XI. did. But when the antient great Dukes and Counts did conferr it, there was a difference, ſome ſay, between thoſe that being before no Gentlemen, were honoured with it by the King, and thoſe that had it from the hand of one of thoſe great Subjects. For by the King's making of a Knight, the perſon honoured, whether before gentle or not, is both lawfully a Knight, and become (they [h] ſay) into the ſtate of a Gentleman. But if any of thoſe greater Subjects conferred the dignity upon one that was not a Gentleman, both the giving of it was unjuſt, and ſuch as ſo gave it were to be fined for their offence. To this purpoſe they have a ſpecial example under Saint *Lewis* of the two ſons [i] of *Philip de Burbon*, that was no Gentleman. One of them received the Knighthood of the Count of *Flanders*, the other of his ſon the Count of *Nevers*. For (as the words of the diviſion in *Joannes Galli* are) *Non obſtante uſu contrario ex parte Comitis Flandrenſis propoſito, non poterat nec debebat facere de Villano militem ſine autoritate Regis.* But both the Counts and the Knights were deeply fined for it by the King; through whoſe favour yet the Knights retained this dignity ſo unjuſtly given them. But by ſome old Lawes of *France* (however this diſtinction held) it ſeems that if any one being not a Gentleman (on the Father's ſide) had by any means received this dignity, he was to be degraded, and that by his Lord's cutting off his Spurrs upon a dunghil. *Si aucun* (ſaith an old Cuſtomier of *Paris* and *Orleance*) *que n'eſt Gentilhome de par ſon pere, le fuſt il de par ſa mere, ſouffroit eſtre fait Chivalier, ſon Seigneur luy peut faire trencher ſes E'ſperons ſur un fumier.* To the ſame purpoſe an old Manuſcript of the ſtate of *France*. *Si aucuns homes* (ſo are the words) *eſtoit Chivaliers & ne fuit pas Gentix homes de lignage, ne de Pariage, touſt le faiſt il de par le mere, ſi ne porroit il eſtre par droit, ains le porroit* [m] *peure li Roys ou li Barons en cui Chaſtellerie ce ſerroit & par deſus y fumier trencher ſes E'ſperons.*

[d] *Chop. de Dom. lib. 3. tit. 26. §. 13.*

[e] *Videſis Aimoin. lib. 5. cap. 17.*

[f] *Chop. de Dom. lib. 3. tit. 26. §. 13. & D' Argentr. Hiſt. Brit. lib. 30. cap. 71.*

[g] *Hiſt. Vol. 3. apud Choppin. loco jam citato.*

[h] *Vide Tiraquell. de Nobilitate cap. 8. §. 13. Chopp. de Juriſdict. Andegav. lib. 1. cap. 63. §. 3.*

[i] *Till. de rebus Gall. lib. 2. L'oyſeau des ordres chap. 6. §. 38. Et videſis Joan. Gall. Quæſt. in Judic. Anni 1180. & Cod. deciſ. Forenſ. lib. 12. tit. 2. deciſ. 4. & 8.*

[k] *Chez. L'oyſeau des Ordres chap. 6. §. 8.*

[l] *Apud Chopp. de Juriſdict. Andegav. lib. 1. cap. 63. §. 2.*

[m] *Prendre.*

The *more eſpecial name* by which theſe Knights are diſtinguiſhed in the elder expreſſions of them, is that of *Chivaliers Bachilers*. The title of *Chivalier* (common to all others, and in the general notion of it, to all *Chaſtellains*, and thoſe that are above them) is plain from the like cauſe as **Ritter** in Dutch, *Eques* in Latin, and the words for a

France. Knight, varied only by Dialects in the other Provincial tongues. *Chival* making *Chivalier*, as *Equus*, *Eques*. But whence that of *Bachilier* or *Baccalaurius* comes, appears not so clearly. Some will have it [n] as a compound of *Baschevalier* from respect to the *Chivalier à Banner* or the Banneret, under whom these Bachiler Knights ordinarily served. Others from *Batailer*, as if their name had been corrupted from Batailers or *Batalarii*, made thence into Latin. Some *à Bacca lauri*. Some from *Bas Eschelon*, as if thence Bachiler were made; being the first step or degree both in learning and Knighthood. Others otherwise. But the most probable seems to be that origination wherein it is fecht from the name of *Buccellarii*, signifying in the declining Empire as much as a Soldier or military servant always ready for imployment or some such thing. Whence being in the later Ages joyn'd with *Chivalier* it denoted this Knight which had thus received the first order of Knighthood. That *Buccelarius* signified so, it appears by sufficient testimonies. In the old Glossaries of the Greek Lawyers, *Buccelarius* (or Βικελα'ειο) is interpreted first by ὁ ἀποστελλόμενος εἰς φόνον τινὰ *one sent to kill any man*; and then twice by ὁ παραμένων στρατιώτης or *a Soldier remaining in service*. This name thus applied, began to be in use under *Honorius*, and was received in this signification both among the *Romans* and some of the *Gothes* also. So *Olympiodorus*; Τὸ Βικελλάριον ὄνομα, saith [o] he, ἐν ταῖς ἡμέραις Ὀνωρίου ἐφέρετο κατὰ στρατιώτων ἐ μόνον Ῥωμαίων ἀλλὰ καὶ Γότθων τινῶν. That is, *Buccelarius was a name given under* Honorius *to Soldiers as well among some of the* Gothes *as among the* Romans. And it was therefore it seems given them, because the chiefest provision of victual, which was made for them was called Βίκελλος [p] *Bucellus* or *Bucellatum* being a kind of Bisket Cakes or such like. And from this provision of their victual, they had the name of *Buccelarii* as well as from *Stipendia* the *Stipendarii*. The name being thus, both among the *Romans* and some of the *Gothes*, used for a Soldier, or one that had made and kept his profession Military, became also to denote as much as *Cliens*, or *Feudatarius*, or one that was bound to serve another as his Lord or Patron and defend him as one of his Guard. This we see in the Laws of the *West Goths*; *Quicunq; in Patrocinio* [q] *constitutus sub patrono aliquid acquisierit, medietas ex omnibus in patroni vel filiorum ipsius potestate consistat. Aliam vero medietatem idem* Buccellarius *qui acquisivit obtineat. Quod si* Buccellarius *filium tantummodo reliquerit, &c.* And *Onyla Buccellarius Ætii* [r] is remembred in *Gregorius Turonensis*. And hence is it that in some *Spaniards* it is interpreted by [s] *Vassallo*, which generally is one that by tenure is bound to Military Service. Hence also came the Adjective *Bachelereux*, or *Bachevelereux* (for the Copies of [t] *Froissart* have it both ways) to signifie *hardy* and *Adventurous*; both being proper attributes to true Knighthood. And as in most other dignities, Names, that were at first and yet remain also, of a far larger signification, became afterward significant for especial dignities, as we see in *Dux*, *Comes*, *Miles*, *Eques*, and the rest; so *Bacheler* or *Baccellarius* (which is used by French Writers) and *Baccalaureus* made from *Buccellarius* and denoting at first every Soldier, afterward became, if joyned to *Chivalier*, to signifie the first degree of Knighthood. And a Knight Bacheler thus was one that had this Order of Knighthood given him, wherein he served still as a *Bacheler*. And *Banneret* denoted them that might display their Banners, and have these Knights Bachelers serving under them.

But

n Vide de hac re *Lud.Viv. de caus. corrupt. art. lib. 2. L'oyseau des Ordres chap. 6. §. 50. Fauchet. orig. des dignities, Bertrand. Argent. in Consuet. Britan. art. 88. Cuiac. ad lib. 2. de Feud. lib. 7. Choppin. de Dom. lib. tit. 26. §. 14. &c.*

o *Photius Biblioth. cod. 8. pag. 179.*

p *C. tit. de erogat. Milit. annona §. 1. & de excoctione 2. Constantin. Porphyrog. Them. 6. Eustath. Antecessor* περὶ χρόνων *in* περὶ ἐ νομέων *§. 5. Vide Alciat. Disp. lib. 3 cap. 20. Turneb. Adverss. lib. 24. cap. 26. cap. 15. Vide item C. ad legem Juliam de vi publica l. 10. omnibus & ib. Gothofredum.*

q *Leg. Visigoth. lib 5. tit. 3. de Patronorum donationibus lib. 1 si quis.*

r *Histor. 2. c. 8.*

s *For. Judic. apud Lindebrog. in Glossa verb.* Buccellarius.

t *Vol. 1. chap. 127.*

France.

But the name of Bacheler ſingly of it ſelf was after uſed in other ſences. Sometimes for one that was not yet Knighted, but was *Militaris Ordinis candidatus*, and affected the dignity of Knighthood, and to that purpoſe exerciſed Arms. And in this ſence we ſee the name in the Tripartite diviſion of ſuch as had dignity by Arms into *Bachelers*, *Chivaliers*, and *Bannerets*, which we find in [u] *Cuiacius*, [x] *Choppinus*, [y] *Bertrand de Argentre*, and ſuch more. And as *Chivalierie* for *Knighthood*, ſo *Bachelerie* for *Bachelerſhip* was, from this notion of Bacheler, uſed among the old French. *La ne ſe pouvoit* (ſaith [z] *Froyſart*, ſpeaking of the brave acts of the Engliſh at *Bergerac*) *Chivalierie ne Bachelerie celer.* And from this ſence it was, it ſeems transferr'd to the firſt degree taken in the Univerſities, and to thoſe that are *Magiſterii Candidati*, in trades, and to wooers, that have not been married but are *Conjugii ac amoris Candidati*, as it is [a] uſed in *Picardy* and with us in *England*. *Bachelette* being alſo in *Picardy* attributed to a Maid wooed, as Bacheler to him that wooes. But ſometimes as Chevalier in its general notion, is given to all Chaſtellains and the greater Lords, ſo Bacheler is to ſuch of the ſons or other kindred of thoſe great Lords that have beſides their expectancy of Inheritance in the whole Lordſhip; ſome portion in preſent aſſigned them with no leſs Juriſdiction in their aſſigned part, than the great Lords themſelves had in the whole. Of Bachelers in this ſence, moſt eſpecial mention is in the cuſtoms of *Anjou*. *Oultre les Seigneurs deſſuſdits, y a au. dit pais. auvuns autres Seigneurs* (ſay thoſe [b] Cuſtoms) *que ne ſont Comtes, Vicomtes, Barons, ne Chaſtellains, qui ont Chaſteaux, Fortreſſes, Groſſes Maiſons, places qui ſont parties des Comtes, Vicomtes, Baronies, ou Chaſtellainies deſdit pais, & tiels S'appellant Bachiliers.* And theſe kind of Bachelers retained their name ſtill in this notion, it ſeems, though they were afterward made Bannerets. The title of Bacheler thus diſtinguiſhing them from the chiefeſt of their Houſes, and not being given them as any other note of a degree of dignity. *Erant quippe* (ſaith [c] *Choppinus* upon thoſe Cuſtoms) *ex Comitum Baronumve* (he might have ſaid, *aut Caſtellanorum* alſo) *Stemmate prognati &, quum opibus autoritateq; valerent, militaria ſigna efferre à Regibus permittebantur. Inde* (ſo are his words) Bacheliers *quibuſdam dicti; ou portans* Banniere *en oſt, ou* Chivalier.

u Ad feud. *lib.* 2. *Tit.* 7.
x *De Doman.* *lib.* 3. *tit.* 26. §. 14.
y *Ad Conſuet. Brit. art.* 88. *verb.* Chivalier.
z *Vol.* 1. *chap.* 104.
a *L'oyſeau des Ordres chap.* 6. §. 49.
b *Art.* 63. *vide Chopp.* 16. & *L'oyſeau des Ordres chap.* 6. §. 52.
c *De Juriſd. Andegav. lib.* 1. *cap.* 63.

For that of the peculiar right of uſing a Seal of their own; *Huſculph de Soligne* Lord of *Dol* in *Bretagne*, adds this clauſe to a Charter made by him to the Abbey of *Vieuville* about MCLXX. *Et quia* [d] *adhuc* Miles *non eram & proprium* Sigillum *non habebam, quando hanc conceſſionem fecimus, autoritate* Sigilli *Domini* Johannis *patris mei Cartam iſtam ſigillavimus.* Whereupon *Auguſtin du Paz* notes that it thence ſeems, that every Knight might in thoſe times have Seals. *Ce que ſemble* (ſays he) *donner à entendre qu' en ce temps la, il n'y avoit, que les Chivaliers qui euſſent droit d' avoir & uſer de ſeaux.* But *Du Tillet* cites an old deciſion of MCCCLXXVI, wherein an Eſquire is ſaid, *cum Equeſtrem Ordinem ſuſcipit, Sigillum mutare.*

d Aug. du Paz *l' Hiſtoire de pluſieurs Maiſons de Bretagne pag.* 523.

XXV. In the antienter ages (this order of Knighthood, having been made too common by the frequency of giving it) there were ſelected at ſeveral times divers of the moſt eminent into other Orders, whereof ſometimes the King, ſometimes others were Sovereigns. And this, becauſe ſuch as were of moſt ſingular merit and eminency might under the Title of Knighthood, have a Character of ſuch merit above other

France. Knights whether Bachelors or Bannerets; especially where the King was chief of them. These Orders I divide into such as are most Famous and Known, and such as are more Obscure, and not very commonly occurr in the French Writers. Of the first kind, all were instituted by the King, saving that of *the Golden Fleece*. For although the Sovereignty of that be in the Kings of *Spain*, yet they have it by the title of the Duke of *Burgundy*, where it was first instituted under the Crown of *France*; and therefore it hath place here. Of the second, some began by the authority of subjects that remained sovereign of them, and some by the Kings.

The more famous and known which the Kings have instituted, are those *De l' estoile* or of the *Star*, called also of the Virgin *Mary*, *of Saint Michael, and of the Holy Ghost*. That of the *Star*, or of the Virgin *Mary*, is commonly attributed to King *John*; the badge or ensign of it being a Star, which the Knights wore on their Hoods or Caps. But this was, they say, within few years so commonly given without merit, and to so many unworthy persons, that *Charles* VI. (as some say; others, that King *John* himself; and some, that it was *Lewes* XI.) to take off the pretence of honour that was supposed in it, and so to extinguish it (not by any express command laid upon those that had so unworthily obtained it) commanded every Yeoman of his Guard to wear a Star in like fashion, which when the Knights saw, they were ashamed of their Stars, and presently left the use of them. *Prudenter Carolus* VII. (saith [e] *Bodin*) *qui cum Equestrem ordinem calamitosissimis Reipublicæ temporibus cum indignissimis communicatum prece vel pretio fuisse, nec sine gravi contumelia extorqueri posse intelligeret (erat autem Ordinis insigne aurea Stella Pileo innexa) cohortes præfecti vigilum auream Stellam Pileis consuere jussit; quo Edicto repente omnes Equites aureas Stellas de Pileis detraxerunt.* And to this purpose, divers. But *Monsieur* [f] *Favin* says he hath learned that it was instituted long before in MXXII. by King *Robert*, out of his devotion to the blessed Virgin, from whose attribute of *Stella Maris*, the devise of the Star was taken. He says also that the first number was of XXX, and that the first Ceremonies of giving it were performed on the Feast of the birth of the blessed Virgin, that is, the VIII. of September in the same year. And that the annual feast belonging to it was kept on that day at *Clichy* (near Saint *Denis*) which was then called Saint *Ovyn*. The Collar also proper to it and other ornaments, he describes, and says the Star was worn both on the left side upon the breast and at the Collar also. Other particulars of it are obvious in him.

[e] *De repub. lib. 5. cap. 4.* vide *Du Haillan. lib. 2. L'oyseau des ordres chap. 6. §. 43. & 44.*

[f] *Theat. d' Honneur lib. 3. pag. 567. &c.*

But this order of the Star being ended, that of Saint *Michael* succeeded. The French for the most part draw the institution of this order principally from a purpose that *Charles* VII. had to make it, after the apparition of the Archangel upon *Orleans* Bridge, as the Tutelary [g] Angel of *France*, assisting against the *English* in MCDXXVIII. For according to that purpose, *Lewis* XI. at *Amboys* the first of August in MCDLXIX. instituted it, *a la gloire & Lovange de Dieu nostre createur tout puissant & reverence de la Glorieuse virge* Marie *a l'honneur & reverence de S.* Michael *primier Chivalier, qui pur la querelle de Dieu, battaile contra l'ancien enemy de l'humaine lignage, & le fit tresbucher de Ciel &c.* as the words of the preamble of his Patent of Institution are. Then he creates the Order by the name of *L' ordre de Monsieur S. Michael Archange.* The number were appointed XXXVI, though that increased very

[g] *Vide Sis Favin. Theat. d' Honneur pag. 609. Sigebert. Anno 709.*

very much afterward at the pleaſure of the Sovereigns. The Cogniſance or Enſign of this Order is, *Un Coller d'or fait a Coquilles laces l'une avec l'autre d'un double laz aſſiſe ſur Chaiſnets ou mailles d'or au milieu du quel Collier ſur un Roch aura un Image de Mounſier S.* Michael, *que reviendra pendant ſur la poitrine.* And this Collar both the Sovereign and every Knight were by the inſtitution bound to wear every day open upon pain of cauſing a Maſs to be ſaid, and diſpenſing VII s. VI d. *Turnoys*, for every offence, ſaving when they were armed, or private. In both thoſe caſes, they were permitted to wear the Image of the Archangel, either on a chain of Gold only, or on a ſilk Ribband. A Herald alſo called *Mont S. Michel* was appointed for it. And the Feaſt of Saint *Michael* for the Chapters and Celebration of it, and divers other laws concerning the Succeſſion, Ceremonies, Oath, and ſuch more that belong to it, are at large both in the Ordinances [h] of *France*, and in [i] *Favin*. Some alſo add this for the word of the Order, *Immenſi tremor Oceani.* *France.*

h *Tom.3.tit.4.*
i *Theat.d' Honneur pag.616.* & videſis *Bodin de repub. lib.5.cap.4. Sanſovin &c.*

This of *S. Michael* continuing (as it doth to this day) *Henry* III. in memory of Whitſunday (being the Feaſt day wherein he was born, choſen King of *Poland*, and alſo called to the Kingdom of [k] *France*) inſtituted as an additional order to it, that of the Holy Ghoſt, or, *du Benoiſt Saincte Eſprit.* The words of the Creation of it are, That he creates and inſtitutes, *Un ordree Militaire en ceſtuy noſtre Royaulme (outre celuy de Monſieur Sainct* Michel; *le quel nous volons & entendons demurer en ſa force & viguer & eſtre obſerve tout ainſi que a eſte de puis ſa premiere Inſtitution juſques a preſent) ſous le nom & titre du Benioſt Sainct Eſprit &c.* Both this and that of Saint *Michael* as joyned in one, continue to this day, and are communicated without reſtraint of number. This was in December MDLXXVIII. The particulars that concern it, are at large in *Monſieur Favin*, as the Ornaments, Statutes, Names of the Knights of the Order to this day and ſuch more. The Bull of Pope *Paul* V. touching the admiſſion of ſtrangers into it, is in *Laertius* [l] *Cherubinus.*

k *S. Marth. de la Maiſon de Fr. Tom. 1. pag. 352. Favin en le Theat. d' Honneur pag. 645. &c.*

Favin alſo hath at large what belongs to that of the *Golden Fleece*, which was begun by *Philip* Duke of *Burgundy*, at his marriage with the Lady *Iſabel* of *Portugal*, in *Bruges*; the tenth of January MCCCCXXIX. He and his heirs were appointed the Sovereigns of it. The title of the Duchy and that Sovereignty are both come to the King of *Spain*; as to his heir.

l *Bullar. Tom. 3. Conſtit. Paul. 5. 42. pag. 232. 16 Febr. 1608. vide 44. pag. 233.*

XXVI. Of the Orders that are more obſcure, and commonly occurr not, and yet are acknowledged among the French for antient Orders of Knighthood long ſince worn out, ſuch as had the King for their Sovereign are thoſe of the *Genneſt*, of the *Crown Royal*, of the *Ship*, and ſome ſuch like, of all which *Favin* largely enough in his Theatre of Honour. Such of them as had ſubjects for their Sovereigns, are thoſe of the *Porcupine*, of the *Thiſtle*, of the *Croiſſant*, of the *Ermine*, and ſome ſuch more, which are alſo in *Favin* ſo fully delivered that we here meddle not further with them. But as a ſupplement to them, we add the memory of thoſe Orders of the *Dogg* and *Cock*, attributed to the noble family of the *Montmorencies* (whereof enough is ſaid, and obviouſly to be read in *Moreau* his *Tableau des armories*, *Menenius du Cheſne*, and others) as alſo that *de la dame blanche a l'eſcu verd* or of *the faire Lady in a green field*, inſtituted by that brave Soldier *Jean*

de

France. *de Boncicaut* Marſhal of *France* under *Charles* VI. For, when in that time moſt grievous complaints were made to the King, by divers Ladies and Gentlewomen of the frequency of injuries which they daily ſuffered both in their honours and eſtates from ſuch as were ſo powerful that they could find neither Champions nor other friends that durſt venture to right them, *Boncicaut* perſwaded twelve more to joyn with himſelf in making up this Order of Knighthood for five years, and to bear the device of it. Hereunto they were ſworn, and to divers Articles alſo which remain at large in *Mauchaut Sieur de Romainville* his Hiſtory of [m] *Bouciaut*. As that they ſhould aſſiſt all Ladies and Gentlewomen wronged in their Honours or Fortunes; anſwer Challenges of Arms; ſupply one anothers neceſſary abſence; that if any Lady or Gentlewoman required the defence or aid of any or all of them, and afterward any Knight or Eſquire ſhould challenge them, they ſhould firſt to their power right the women; if firſt they were challenged to Arms, and afterward required by any Lady or Gentlewoman to aſſiſtance in defence or aid of her, it ſhould be at their liberty which they would perform firſt; and ſome ſuch more. The Articles were ſealed in an inſtrument with this title.

m Part. 1. chap. 38, & 39.

A touts haults & Nobles Dames, & Dameiſelles & a touts Seigneurs, Chivaliers, & Eſcuyers, apres touts recommendations font a ſcavoire les tres Chivaliers, Compagnons portans en leur deviſe, l'eſcu verde a la dame blanche. It was ſubſcribed by *Meſſire Charles d' Albret, Meſſire Boucicaut Mareſchal de France, Boucicaut ſon Frere, Francoys de Anbiſcourt; Jean de Liguers, Chambrilac, Caſtelbayac, Gaucourt, Chaſteaumorant, Betas; Bomcebaut, Colle ville, Torſay.* Becauſe *D' Albret* was Couſin German to the King, therefore *Bouciaut*, though he were head of the Order, would not give his own name the firſt place.

XXVII. The Orders of Knighthood thus ended; we conclude here with that of *Eſquire* or *Eſcuyer*, as they call it. A name not of the ſame notion now as in antient time. And yet the later application of it proceeds from that which was in the antient time uſed. For heretofore the diviſion of dignities was ſuch, that after that of Gentry, this of *Eſcuyer* followed, and then *Bacheler*, *Chivalier*, *Banneret*, and the reſt, in which diviſion as Bacheler, (whereof before) denoted one that was in Military action, and ſerved as *Militaris Ordinis candidatus*, but yet had not received the Order of a Knight Bacheler; So Eſquire ſignified one that was attendant, and had his employment as a ſervant, waiting on ſuch as had the Order of Knighthood in matters that conduced to Arms, bearing their ſhields, and helping them to Horſe and ſuch like, and were ſo alſo *Militiæ*, (not *Militaris Ordinis*) *candidati*: becauſe they ſerved not as Bachelers in the field. And thus I underſtand that of *D'Argentre*, Preſident of the Parlament of *Rennes*, upon this liſt of dignities; *Eſcuyers, Bachelers, Chivaliers, Bannerets, Barons*; *Hic ordo* (ſaith [n] he) *ab antiquis Honorum traditur quorum fuere militares functiones.* And then *Eſcuyers* are (ſaith he) ſuch as are *Scutarii* in *Marcellinus* and *Procopius*; *qui ſcutum Ducibus aut Patronis præferebant, poſterius & ſtratores, qui Dominos in Equos tollerent, & Equos regerent. Iſq; primus inter cæteros gradus Nobilitatis.* Which laſt words, I conceive, to be ſpoken of ſuch dignity as was, in the elder days of *France*, acquired from ſervice either Military, or ſuch as had honorary relation to the military dignities, as this

n *Ad Conſuet. Brit. Art.* 88.

this of *Eſcuyer* had. For otherwiſe the Title of Eſquire was not *gradus primus.* Birth alone or other legal ennobling, gave that of Gentry, or Nobleſs, which ſo was *primus* and beneath this of Eſquire, that added (by reaſon of the merit of ſuch employment and hope that was in them that were ſo employed) another dignity to him that was a Gentleman. And *L'oyſeau* ; *Auſi y a il treſgrand apparence que la vray & originarie Etimologie du nom d'Eſcuyer vient de porter l'eſcu, mais non le Siens ains celuy de ſon maiſtre.* But after ſuch time as the moſt of thoſe *Eſcuyers* were, upon ſpecial occaſion, though not ordinarily, employed alſo in ſervice as the Bachelers were (as it may ſeem both by that before noted out of *Marcellinus*, in the weapeners of the Empire, and in divers examples in the Stories of *France*) in ſo much that the dignity was very little differing from Bachelers, the name of Bacheler at length grew out of uſe ; and all ſuch Gentlemen as were either employed in Military ſervice, as Bachelers were wont to be, or attended on other great Soldiers as their ſervants, having not received the order of Knighthood, were called *Eſcuyers*, *Scutarii*, *Scutiferi*, and *Armigeri*, which ſince alſo (as at this day) in times of peace have been given to all Gentlemen of the better note, to ſet a title of action, or of hope of action upon them. The title of *Eſcuyer*, as the next beneath Knight (the name of Bacheler alone being then growing out of uſe) is antient in that of the [o] *Eſcuyers* and Knights (in the battail of *Trente* about MCCCL. of the part of *Meſſire Jean de Beaumanor*) againſt Sir *John Brembre* an Engliſh Knight, and elſewhere in the Hiſtory of [p] *Bretagne* and in *Froiſart.* And in the many Grants of Lands and Offices made by our King *Henry* V. [q] to the Gentlemen of *Normandy* ; they have frequently the title of *Armigeri.* And *Nec licet* (ſaith [r] an old author of *France* that lived under *Charles* V.) *ſimplici ſcutifero deaurata ornamenta portare vel deferre.* *France.*

o *Des Ordres, chap.* 4. §. 22. qui plura habet de hoc nomine.

p *Argentre lib.* 6. *cap.* 27. & *lib.* 11. *cap.* 3.

q *Rot. Norman.* 7 *H.* 5. in arce Londinenſi.

r *Philoth. Achill. ſomn. viridarii part.* 2. *cap.* 125.

CHAP.

Spain.

CHAP. IV.

I. Principe de las Aſturias, *the title of the Son and heir apparant of* Spain. *His Creation.* Principe de Navarre, *and* de Girona.
II. *The uſe of* Dux, *and* Comes, *antiently in* Spain. *The title of* Duke *in* Caſtile, *&c. with the* Crown *belonging to it, and the forms of the Letters of* Creation.
III. *The title of* Marqueſs *there; the Patent of* Creation *of it, and of the* Crownet *belonging to it.*
IV. Condes; *their* Creation *and* Crownet. *The* Banner *and* Caldron *at their Inveſtiture, antiently.* Conde Palatino.
V. Vizcondes.
VI. *The title of* Ricos Hombres, *and their Inveſtiture by a* Banner *and a* Cauldron *or* Pendon y Caldera *alſo, as that of* Condes. Grandes, Barons, *and* Caſtellans.
VII. *The Cuſtom of the King's* renewing the Titular name *to the heirs of moſt of the great Dignities in* Spain.
VIII. Cavalleros de Eſpuela dorada, *or Knights of the Golden Spurr. Their* Creation, Privileges, Degradation, *out of* Spaniſh *Writers.*
IX. Cavalleros armados, *and* Cavalleros de alarde, o de premio, o de guerra, o quantioſos.
X. *Laws or* Pragmaticas de las Corteſias, *and bearing* Coronets.

IN *Spain*; the ſubordinate Titles are, The *Prince de las Aſturias*, which they uſually call the Prince of *Spain* or *Caſtile*, *Duke*, *Marqueſs*, *Conde*, *Vizconde*, *Baron*, *Rico Hombre*, and *Cavaliero*, or Knight, as it ſignifies (in the more reſtrained notion, according as *Chivalier* alſo with the French) a Knight of an Order. For *Cavaliero* otherwiſe in a general notion is applied there to their *Hydalgo*, *Infanciones*, *gentiles hombres*, and, in ſome places, *Scuderos*, and in *Catalauna* [a] to *hombres de Parage*, that are but in the like rank generally to that of Gentlemen with us. Although there be no doubt but *Eſcudero* came at firſt from *Eſcudo*, as *Eſcuyer* in French doth from *Eſcu*, and literally denoted the ſame that *Eſcuyer* doth.

I. The Title of *Prencepe de las Aſturias*, or *Prince of the Aſturias*, was firſt ſetled upon the Infant Son and heir apparant (the name of *Infant* denoting but the King's Son [b] as *Enfant le Roy* in *France*; and thence alſo *Infantados* hath been uſed for the poſſeſſions of any of the Infants, and in like ſenſe *Infanta* is given to the daughters) in MCCCLXXXVIII. When *Henry* Son and heir apparant of *John* the firſt, King of *Caſtile*, *Leon*, and *Galicia* (afterward King *Henry* III.) married the Lady *Katharine*, Daughter to *John* of *Gaunt* Duke of *Lancaſter*, *Ut Aſturum Principes* (ſaith [c] *Mariana*) *vocarentur datum; more ex Anglia tranſlato ubi Regum filii Majores Walliæ Principes nominantur; quod ab hoc initio ſuſceptum ad noſtram ætatem conſervatur ut Caſtellæ Regum Majores filii* Aſturum Principes *ſint, quibus annis conſequentibus* Ubeda, Biatia, Illiturgiſque *ſunt addictæ.* Yet in common appellation, the Title of *Princepe d' Eſpanna* [d] is given to the Son and heir apparant there, as alſo it is in the Title

a Vide *Joan. Benedict. Guardiola de la Nobleza d' Eſpanna* c 29.
b *Salazar de Mendoza Orig. de las dignidades lib.* 1. *cap* 7. Vide de filiis regum *Gonſal. Gillote in Nobilitat. Adaluz. lib.* 2. *cap.* 75.
c *Hiſtor. Hiſpan. lib.* 18. *cap.* 12. ita etiam *Eſtephan. de Garibay in compendio Hiſtor. Hiſp. lib.* 15. *cap.* 25. *Zurita en les Annales de la corona d' Aragon lib.* 10. *cap.* 45. & *lib.* 12. *cap.* 34. &c.
d See the Pragmatica of 1556. in the Spaniſh Hiſtory, pag. 1235

Title of *Salazar de Mendoza* his *Origen de las dignidades d' Castilla y Leon* inscribed to the present King being then Prince. In the antienter time (saith the same *Salazar*) as all the sons were called *Infantes*, so the son apparant *Infante primero heredero*; and this he saith continued until the time of King *John* the first. *Spain.*

The Ceremonies of Creation (saith *Salazar*) were the King's putting on a Robe of State on him (*un manto*) and a Cap or Chaplet on his head (*un Chappeo*) and a Rod of Gold into his hand, kissing him, and pronouncing him to be *Principe d' Asturias*. The Prince or heir apparant is called also *Prince of Navarre*. So it appears in the title of *Philip* Prince of *Spain* under King *Charles*. *Yo Don Phelipe de Navarra hijo primogenito del Emperador Don Carlos &c.* And touching that Principality, you may see more in *Armandariz* his [e] *Recopilaçan* of the Laws of *Navarre*.

[e] *Lib. 5. tit. 17.*

The Title of *Prince* or *Principado* otherwise, hath been but rare in the Territories adjoyning, that are now under the King of *Castile*. In *Aragon* antiently it was. King *Ferdinand* of *Aragon* in MCCCCXIII. created his heir apparant *Don Alfonso* Prince of *Girona*, with the self same kind of Ceremony as the Prince of *Asturias* was first created *Estando en su throno* (saith [f] *Zurita*) *llego el Infante Don Alonso y vestiole el rey un manto y pusosele un chapeo en la Cabeça y una vara de oro en la mano, y diole paz y titulo de* Principe de Girona *por su primogenito*. And this was the imitation of what had been before done in making the heir apparant of *Castile* and *Leon*, *Prince de las Asturias*, as that was of the Creation of the Prince of *Wales* in *England*. In the memories also of some other Kingdoms of the Spanish Territory, the like Title of Prince is found.

[f] *Annal. de la Corona de Aragon. lib. 12. cap. 34.*

II. In the *Roman* and *Gothique* times, the names of *Dux* and *Comes* were dispers'd [g] in the Territories of *Spain*, and used there about DCL. after our Saviour, in like sort as in the old Empire when *Dux* denoted one that had Military Forces with his government, and *Comes* as well an office as a meer honour. A singular example thereof (as I can understand it) is in this subscription to the VIII Councel of *Toledo*, under King *Recceswinth*.

[g] *De hisce vide sis Marianam lib. 6. cap. 1. & lib. 8. cap. 2.*

Item ex viris Illustribus Officii Palatini.

Hodoacrus, Comes *Cubiculariorum*, & Dux.
Ofilo, Comes *Cubiculariorum*, & Dux.
Adulphus, Comes *Scantiarum*, & Dux.
Dabilo, Comes & *Procer.*
Astalaus, Comes.
Atanephus, Comes & Dux.
Ella, Comes & Dux.
Paulus, Comes *Notariorum.*
Tuantius, Comes *Scantiarum.*
Euredus, Comes & *Procer.*

Spain. *Ricilla*, Comes *Patrimoniorum.*
Afrila Comes *Scantiarum.*
Vbenedarius, Comes *Scantiarum*, *et* Dux.
Fandila, Comes *Scantiarum*, *et* Dux.
Cunefredus, Comes *Spathariorum.*
Frolla Comes *et Procer.*

Comes alone, and *Comes* and *Procer*, I take, here, for merely honorary Counts. *Comes* with the addition shews the Officiary dignity born in the Court: and *Scantiarum* in the five noted with it signifies as *Poculorum* or *Epularum. Comitem Scanciarum* (saith *Garsias de Loaysa*) [h] *nonnulli poculis; alii universis epulis Regis Præfectum fuisse contendunt. Hodie vulgari Hispanorum lingua Seanciar est bibere.* But in those elder ages *Dux* was only Officiary. For that of *Comes*, and the becoming of it both Honorary and Feudal; more anon. But they commonly say the Title of Duke, as a distinct dignity and Feudal, was not in *Castile* [i] until King *Henry* II, created his Son *Don Frederike* Duke of *Benavente*, about MCCCLXX. And afterward King *John* the first, son to that *Henry*, created his younger son *Don Ferdinand* being Infant of *Lara* into the Title of Duke of *Pennafiel* which was a Town that he gave him with the Title. He was created by the Imposition of a Crown on his head, not at all *Fleurie*. So says *Mariana*; [k] *Corena capiti imposita, nullis extantibus floribus.* But *Estevan de* [l] *Garibay*, says, that it was *Fleurie*, as at this day the Crowns are which the Dukes in *Spain* set over their Arms. *Nostra ætate* (saith *Mariana*) *non Duces sed Comites etiam Coronam clipeis adjiciunt Regiæ haud absimilem.* That is, as a Royal Crown of the elder times, or as it is commonly pictured at this day, without Arches. And that such a one was used in the Creation of the Duke of *Pennafiel*, not only *Garibay* but *Salazar de* [m] *Mendoza*, and some others also have affirmed. And they agree that a Duke's Coronet at this day is *Fleurie*, but so to be drawn that the flowers exceed not one another in height. I say to be drawn; for the later Dukes there neither wear it at any time, nor are created with it. However *Benito Guardiola* say [n] that a Duke generally may wear it on his head as well as Arms. But that, it seems, must be understood of the antient Dukes which both in *Spain*, *France*, and elsewhere, did wear Crownets, not of those of the later times that have the picture of them only over their Arms. But see the same *Guardiola* also for other prerogatives belonging to Dukes. In the Patents of Creation in *Castile*, it is only granted that they, and such as have after them the right of Primogeniture or *majorazgo* shall be called Dukes of such a Town, which for the most part they possess. A whole example of one, whereby *Don Gabriel Manrique Conde de Osorno*, was created by *John* II. in *January* MCCCLI. into the title of Duke of *Galisteo*, we add here out of [o] *Alonso Lopez de Haro.*

h *In Concil. Toled. 8. pag. 459.*
i *Garibay lib. 15. cap. 27.*
k *Histor. 18. cap. 13.*
l *Lib. superiùs dict. cap. 57.*
m *Origen. de les dignidad lib. 3. cap. 15.*
n *Vide Benedict. Guardiolam in Tract. de Nobilit. Hispan. cap. 46.*
o *Alonso Lopez in Nobiliario part. 1. lib. 4. pag. 323.*

DOn *Juan* por la Gracia de Dios Rey de *Castilla*, de *Leon*, de *Toledo*, de *Galicia*, de *Sevilla*, de *Cordova*, de *Murcia*, de *Jaen*, del *Algarbe*, de *Algecira*, e sennor de *Viscaia* et de *Molina* &c. Por fazer bien y merced a vos Don *Gabriel Manrique* de *Osorno*, Commendador Mayor de *Castilla*

Caſtilla mi primo e mi vaſſallo, e del mi Conſeio ; Por les muchos, e buenos, e leales, e altos, e continuos, e ſennalados, e agradables ſervicios que los del vueſtro linage fizieron a los Reyes donde yo vengo, e vos ave des fecho e faredes a mi de cada dia commuchas gentes de vueſtra caſa e Eſtado eſpecialmente en las guarras que yo he avido, en las quales avedes pueſto vueſtra perſona a gran rieſgo e peligro de la vida, faſta derramar vueſtra ſangre ; E otro ſi por la lealtad qui ſiempre en vos he fallado, lo qual es a mi todo bien cierto e connocido, es mi merced de vos galardonar, e adelautar, porque vueſtra perſona, e Eſtado e linage ſea mas ſublimado, e valades mas ; Por ende por parte de remuneration, e emienda, e ſatisfacion de los dichos ſervicios, de mi proprio motu e cierta ciencia, e poderio Real, quiero que de aqui adelante para en toda vueſtra vide ſeades *Duque* de la vueſtra villa *de Galiſteo*, e ſeades llamado, e vos llamades, *Don Gabriel Manrique Duque de Galiſteo* e Conde de *Oſorno*, e deſpues de vueſtro fallezimiento aquello e aquellos que de vos decendireren, e vueſtra caſa e mayorazago oviren de aver, e hieredar para ſiempre jamas, e que ayades e gozedes por razon del dicho Titulo e dignidad, e vos ſean ſechas e guardad as las mas cumplidas honras e dignidades, e excelencias, e ſublimaciones, e antelaciones, e preeminencias, e prerogativas, de que gozan, e pueden e deven gozar, auſi por derecho e leyes de mis Reynos, como por uſos e coſtumbres dellos los otros *Duques* que han ſido e ſon de los dichos mis Reynos e Sennorios, e que podades traer, e traigades todas las inſignias, e uſar, e exercer todas las ceremonias que per raizon del dicho titulo e dignidad de *Duque* devedeo traer, e uſar, e exercer. E quiero, e tengo por bien que vos podades llamar, e llamedes *Duque* luego, e cada e quando que vos quiſieredes, e que por non lo vos llamar, nin ſer aſſi llamado, nin los dichos vueſtros dicendientes lo non perdades, nin vos pueda perjudicar en todo, nin en parte ; e que toda via en qualquier tiempo e logar e ſazon que vos, e ellos quiſieredes, vos lo podades llamar, e ſeades aſſi lamados, e podades uſar e uſedes de todo ello : e ſi neceſſario e cumplidero vos es, alço e tiro toda obrepcion, e ſubrepcion, eſcrupulo, e qualeſquier defetos, e otras coſas que embarguen, o puedan embargar a eſta mi remuneracion que vos yo fago, o qualquier parte della. E por eſta mi carta, o por el traſlado della ſignado de Eſcrivano publico, mando al *Spain.*

Spain. Principe *Don Henrique* mi muy caro, e muy amado fijo primogenito heredero, e a los *Duques*, *Condes*, *Marqueſſes*, *Ricoſhomes*, *Majeſtres* de las *Ordenes*, *Priores*, *Commendadores*, e ſubcommendadores, *Alcaides* de los Caſtillos e caſas fuertes, e llanas, e a los del mi Conſejo, e Ordores de la mi Audiencia, e Alcaldes, e Notarios, e otras Juſticias, Officiales qualeſquier de la mi caſa e Corte, e Chancilleria, e a todos los Concejos, Alcaldes e Alguaziles, Regidores, Cavalleros, Eſcuderos, Officiales, e homes buenos de todas laſas ciudades, e villas, e logares de los mis Regnos, e Sennorios, e otros qualeſquier mis vaſſallos, e ſubditos, e naturales de qualquier eſtado, o preeminencia o dignidad que ſean, e a qualquier, e qualeſquir dellos que agora ſon, e ſeran de aqui adelante, que vos ayan e reciban por *Duque de Galiſteo*, e vos nombren e llamen de aqui adelante para en toda vueſtra vida Don *Gabriel Manrique* Duque de *Galiſteo*, Conde de Oſorno, e deſpues de vueſtros dias aquel e aquellos que vueſtra caſa e mayorazgo ovieren de aver e heredar para ſiempre jamas, e vos guarden, e fagan guardar todas las coſas ſuſodichas, e cada una dellas, ſegun que las han guardado, e guardan, e deven ſer guardadas a los otros Duques de mis Reynos, aſſi por Derecho, como por las leyes, e coſtumbres dellos, e vos fagan todas las ceremonias que por razon del dicho titulo e dignidad, Vos deven fazer de todo bien e cumplidamente, en guiſa que vos non menguen ende coſa alguna, e que vos non pungan, nin conſientan poner en ello, nin en parte dello, embargo, ni contrario alguno, ſo pena de la mi merced. E mando al mi Chanceller e Notarios, e a los otros que eſtant a la tabla de los mis ſellos, que vos den e libren, e paſſen, e ſellen cada que por vueſtra parte les fuere pedido mis cartas e privilegios las mas firmes e baſtantes que vos cumpliere. E deſto mande dar eſta mi carta firma da de mi nombre, e ſellada con mi ſello. Dada en la villa de *Ocanna* a tres dias de Enero, anno del Nacimiento de Nueſtro Sennor Jeſu Chriſto de mil e quatrocientes e cincuenta e un annos.

YO EL REX.

[p] *Nobiliario pag.* 305.

The ſame *Lopez*[p] hath a like form of the Creation of *Don Pedro Manrique* into the title of Duke of *Naiera* by King *Ferdinand* and Queen *Elizabeth*, in MCCCLXXXII. And in *Auguſtine du Paz*, we have a whole form of the Creation of *Bertrand de Gueſclin* Count of *Longevile* (for the good ſervice eſpecially he had done in the behalf of

of *Henry* II. of *Caſtile* againſt the Black Prince) into the title of Duke of *Molina*. *A ſyn que ſoyes* (ſo are the words of Creation, as they are turned out of the original which was Spaniſh) *plus honore & vous & ceux qui deſcendront de voſtre lignage plus forts & puiſſans; Nous vous donnons en pur don & en heritage tant pur le preſent que a touſiours noſtre bourg de* Molines *aver le chaſteau du dit bourg & pouvoir de vous nomer* Duc de Molines, *tant vous que ceux que deſcendront de voſtre lignage.* *Spain.*

III. As in *France*, the Empire, and elſewhere the name of *Marchio* was uſed ſometimes antiently as a Title ſo nearly equivalent to *Dux* and *Comes*, (according to that known identity of ſignification between thoſe two words) that it was diſtinguiſht from them not by any difference of dignity, but by reaſon only of the ſituation of the denominating Province which was of the Marches or Frontiers of the State wherein it was uſed, (as is already ſhewed) ſo in *Spain* alſo there was ſome like uſe of it. *Don Bernardo* firſt *Conde* of *Barcelona*, ſometimes titled himſelf *Conde*, *Duke* and *Marques de las Eſpannas*, as *Salazar de Mendoza* [q] obſerves out of one of his Charters dated in DCXCIV. to the Monaſtery *de ſan Pedro de Taberna*, in the County of *Ribagorça*. And *Ramont Arnaldo Berengner the* XI *Conde* of *Barcelona*, ſtiled himſelf *Marques de las Eſpannas*, without the other titles. So the Prince of *Aragon*, *Don Raymont Berenguer*, called himſelf Marqueſs *de Tortoſa*. But the uſe of it, in theſe and the like, was but as it was given to the Dukes of *Normandy*, and the Counts of *Burgundy* and *Flanders* (of whom, to this purpoſe, we have ſpoken in the Marqueſſes of *France*) not as it was a diſtinct dignity from thoſe of Duke or Count.

[q] *Origen de las dignidades lib. 3. cap. 13. & 14. & Lopez de Haro pag. 3.*

The firſt that was created into this Title, as a diſtinct dignity, by the Kings of *Caſtile*, was *Don Alfonſo* [r] Count of *Denia*. For although in the *Partidas* (which were written near a C years before the Creation of this Marqueſs) there be mention of [f] *Dukes* and *Marqueſſes*, as diſtinct from *Condes*; yet that, I conceive, is to be underſtood, as many other things in the body of thoſe Laws, with relation to the practice of other States, not to any uſe then known in *Caſtile*. In MCCCLXVI. *Henry* II. King of *Caſtile* and *Leon*, made that *Alfonſo* Marqueſs of the City of *Villena* (being in a Territory which is the Marches of the four Kingdoms, *Toledo*, *Aragon*, *Valencia*, and *Murcia*; and ſo it was truly a Marquiſate, or *Marquiſado*, as they call it) and gave him the City and Lordſhip about it with the Title. But it is ſince incorporated in the Crown. The next was the Marqueſs of *Santillana*. *Don Inigo Lopez de Mendoza* had that Title from King *John* II. And this was alſo a Marquiſate according to the ſignification and origination of the word. For *Satillana* is in the Maritime parts of *Biſcay*, and ſo of the Frontiers or Marches of *Spain*. In the later times it is become frequent as in other Kingdoms. For an example of Creation of it, I inſert the Patent of *Henry* IV. King of *Caſtile* and *Leon*, by which he created *Don Pedro Alvarez Oſorio*, being before *Conde de Treſtamara*, into the title of Marqueſs of *Aſtorga*, in *July* MCCCCLXV. and gave him the City with the title. Thus I find it in *Lopez de* [t] *Haro*.

[r] *Salazar de Mendoza. idem ſt. Garibay in Hen. 2.*

[f] *Partid. 2. tit. 1.*

[t] *Nobiliario. pag. 81.*

DOn *Henrique* por la gracia de Dios, Rey de *Caſtilla* y *Leon*, de *Toledo*, de *Galicia*, de *Cordova*, de *Murcia*, de *Jaen*, del *Algarbe*, de *Algezira*, de *Gibraltar*, e

Sennor

Spain. Sennor de *Vizcaya* e *Molina*, &c. Como la providencia de Dios nueſtro Sennor en la Corte celeſtial ordenò dar más exelencia a unos Angeles que a otros, e fizo entre ello diverſos grados, jerarquias e coros mas aceptos e cercanos a unos que a otros a ſu divinidad; aſſilos Reyes e Principes, que ſon ſus vicarios en lo terrenal, conviene e pertenece de dar mas exelencia enſalçar, ennoblezer, e ſublimar por magnificas mercedes a los mayores, e demas meritos ſervidores, para loable, e perpetua recordacion, gloria e honor dellos, e de ſus generaciones, e notable es fuerço e exemplo, eſperanza a los loables ſervidores que non de ven de ſe poner a todo rieſgo e peligro, por ſervicio de lós Reyes e Principes, è ellos cum plen con ello lo que deven, ſegun razon e derecho divino y humano. Por lo qual conſiderando Como el Conde Don *Pedro Alvarez Oſorio* padre de vos el Conde Don *Alvaro Perez Oſorio* Conde de *Traſtamara* mi Alferez mayor del pendon de la diviſa, e de mi Conſeio, fizo muchos y muy grandes, leales muy notables ſervicios al Rey Don *Juan* de glorioſa memoria mi Sennor e padre, è a mi; e ſe quiſo eſmera en apurar en lealtad entre otros Grandes, e mis cavalleros en muchas roſas, eſpecialment poniendo ſe a grandes trabais, e a rieſgos, e peligros deſu perſona, e de ſus gentes, por delibrar la perſona del dicho Sennor de Rey mi padre, quando eſtuvo opreſſe en la villa de *Oterdeſillas* por el Rey Don *Juan de Navarra*, que aora es Rey de *Aragon*, e por el Infante Don *Henrique* ſu hermano, e por Don *Fadrique* Almirante de *Caſtilla*, e por otros ſus ſequazes, e por ello puſo a ſi y a ſus tierras en grande perſecucione e perdicion, e ſe fizo aſaz guerra de los ſobredichos. E mas eſpecialmente conſiderando los muy grandes, leales, eſenalados ſervicios que vos el dicho Conde Don *Alvaro Perez* ſu fijo, ſigviendo las piſadas del dicho Conde vueſtro padre, e de otros vueſtros progenitores, queriendo vos mas eſmerar en la dicha lealtad que a mi avedes fecho è fazedes ende cada dia en muchos caſes ſennal adamente, por que con grande lealtad, e nobleza, e animoſidad liberal mente en tiempo muy acetable, e a mi muy provechoſo, e animando a muchos a mi ſervicio, ſedes venido con muchas è buenas gentes de cavallo e de pie a me ſervir en la preſente è gran neceſſidad en que he eſtado contra la muy tirana e mala uſurpacion de mis Reynos e Sennorios que pretenden ocupar les muy ingratos y diſleales que ſiguen la parcialidad del Principe Don *Alonſo* mi hermano. E porque vueſtros ſervicios ſon dignos de muy grande e loable recordacion,

cordacion, e de gran merito e remuneracion e los que yo devo eſtimar ſer de tanto grado e merito, como ſi por vueſtra ſanta Fe, e defendiera mi Real perſona e Eſtado, e los dichos mis Reynos. E porque en lo ſuſodicho, è en otros muchos caſos el dicho Conde vueſtro padre, e vos avedes recebido muchos e grandes Dannos, e gaſtos, e perdidas de vueſtro patrimonio, los quales yo no puedo buenamente ſatesfazer, ſalvo por la merced e forma per eſta mi carta contenida, e aun con ella no las ſatisfago. E porque los dichos ſervicios, e cargos, gaſtos, e perdidas ſon notorios, aſſi los declaro por notorios e de tanto merito, como dicho es. E quiero, e mando que dellos ni de parte dellos no ſeades obligado a hazer prueva alguna, ni contra ellos ſea recebida prueva en contra. Por ende porque aſſi es cumplidero a mi ſervicio, y al bien publico, e pacifico Eſtado de mis Reynos e Sennorios, e a la guarda e defenſion dellos e de mi corona y Eſtado, e perſona Real, e por fazer bien y merced a vos el dicho Conde Don *Alvaro Perez*, e porque quede para ſiempre grande e eſpecial corona en vueſtro linage, dela vueſtra tal e tan ſingular virtue, e del dicho vueſtro padre, e par remuneracion e parte de ſatisfacion de los dichos ſus ſervicios e gaſtos, e vueſtros, por la preſente de mi propio motu e propia e cierta ciencia, e libre e deliberada voluntade aviendo avido conſeio ſobre ello con los Prelados e Grandes, e letrados de mi Conſeio que al preſente ſon commigo, y de ſu acuerdo e conſeio es hago merced e donacion pura, firma, perpetua, e no revocable entre vivos en remuneracion e ſatisfacion, e ſolucion, en la meior forma que valer pueda, e a vos cumpla de la mi civdad de *Aſtorga* con ſau caſtillo e fortaleza, e aldeas, e tierras, e terminos e rios, montes, fuentes, prados, paſtos, aguas, eſtantes, e corrientes, e manantes, con todos ſus vaſſallos Chriſtianos, Indios e Moros, de qualquiera ley, eſtado, o condicion, que ſon e ſeran, ende vezinos, e con todos ſus terminos diſtinto, e mero miſto imperio, e juridicion alta y baxa, civil y criminal, con las eſcrivanias y oficios, e yantares, maritiniegas, penas e calunnias, omecillos, portazgos, peages, barcages, inforciones, fonſados e fonſaderas, martiniegas, e moſtrencos, y algarinnos, e otros derechos e coſas qualeſquier que ſean, o puedan ſer anexas e pertenecientes al Sennorio e dichos imperios y juridiciones, e tierras, e terminos de la dicha civdad e ſu tierra, con todo lo ſuſodicho, aſſi de fecho como de derecho, e uſo e coſtumbre, o en otra qualquier manera, para que ſe a todo vueſtro propio, *Spain.*

Spain. propio, libre equito, e desembardo por juro de heredad perpetuamente para siempre jamas, e lo ayades como bien merecciente, e sea de vuestro mayorazgo, e anexo a aquel que vos quedò del dicho Condee vuestro padre, e de vuestro abuelo, e segun e por la forma e con las clausulas y firmezas del que aqui por encorporado es; esi a vos pluviere de dar otra forma al dicho mayorazgo que tenedes, e alque vos yo otorgo de la dicha civdad con lo suso dicho, o a qualquier dellos, lo podais fazer e fagades, para que despues de vuestros dias qued e pertenezca todo o la parte del que vos quisieredes a vuestro hijo mayor Varon legitimo, e de legitimo matrimonio nacido que avedes e ovieredes; despues del a otro vuestro hijo o decendiente que vos quisieredes e nombraredes, e declaredes adelante, e que vaya e torne el dicho mayorazgo o mayorazgos por lineas e grados, e succesiones, e con los vinculos e condiciones, e modos, e institutiones, e sustituciones, e restitutiones, e sumissiones, e cargos que vos quisieredes, e ordenaredes en vuestra vida, o en vuestro testamento, o codicilo, o postrimera voluntad, aunque solene nosea, assi varones como hembras e parientes transversales: para el qual mayorazgo o mayorazgos, e disposiciones, e cada cosa, e parte dello, assi fazer y disponer, e ordenar a vuestra voluntad, vos doy e otorgo plenario poder e autoridad por esta mi carta: e apruevo e confirmo desde aora para entonces de mi cierta ciencia lo que vos ordenaredes e dispusieredes sobre ello en qualquiera manera. E mando que aya efeto, no embargante que los otros vuestros fijos o decendientes, o otros parientes quales ovieredes vos, e los que de vos decendieren, sean fraudados o agraviados en sus legitimas partes, que devan aver de vuestros bienes y herencia, ode vuestros decendientes, o de qualquiera dellos, aunque sean defraudados en los alimentos necessarios. E no embargante que el dicho mayorazgo que vos aora tenedes contenga otras clausulas o firmezas diversas o contrarias al mayorazgo que vos fizieredes, e ordenaredes, e de qualesquier efeto y firmeza que sea, no embargantes otras qualesquier cosas que a esto embarguen. E por vos mas honrar e sublimar a vos el dicho Conde Don *Alvaro Perez*, e a los que de vos vinieren, e ovieren de aver el dicho mayorazgo de la dicha civdad con lo susodicho, es mi merced, e mando que vos, e despues de vos los dichos vuestros herederos e succesores ayades titulo e honor e dignidad, e ditado de *Marques* de la dicha civdad con todo lo suso dicho, e con las otras vuestras tierras e Sen-

norios

norios que quiſieredes anexar al dicho *Marqueſado* de *Aſtorga*, y que todo ello ſea, e ſe nombre *Marqueſado*, vos, e deſpues de vos para aquel que oviere de aver la dicha civdad con lo ſuſodicho por el dicho mayerazgo, e ſea vueſtro e ſuyo propio por juro de heredad perpteuamente para ſiempre jamas &c. *Spain.*

The Marqueſſes in *Spain* may ſet a Crownet on their Arms, as it ſeems by the *Pragmatica de las Corteſias* of MDLXXXVI. wherein all others beſides Dukes, Marqueſſes, and Condes are forbidden to do ſo. *Salazar de Mendoza* alſo *Geronymo de Urrea* and others affirm it, though ſome deny [u] it them. They deſcribe the Crownet to be *Un cerco guarnecido de piedras*, or a circle with rich Stones on it, and that it ſhould have *Con cinco puntas, dos mas que el Conde*, or with five points which are two more than the *Condes* hath.

u *Garibay in Henry 2.*

IV. The Title of *Comes* or *Conde* being here uſed as an Officiary or honorary dignity for a long time; at length alſo ſuch as had in a manner the ſame Power (at leaſt exerciſed the ſame) as Kings in their Territories, were yet ſtiled *Comites* and *Condes* as we ſee in the antient *Condes* of *Caſtile*, *Aragon*, *Portugal* and *Barcelona*, [x] three of which became thence to be Kingdoms. And the Title indeed was thus uſed by the Lords of theſe places, as that of *Duke* was antiently, in ſome other Parts of *Europe*, by ſuch as wanted nothing but a Crown and anointment to give them the Title of Kings. Afterward, as in the Empire and *France*, this Title became, by degrees, Feudal and Hereditary. From being Officiary it became [y] Feudal among the *Goths* for life, and continued ſo until about *Ferdinando el ſanto*, or the third of that name. He began MCCXV. After that, the Title became Hereditary, which ſome attribute to the time of *Alfonſo* X. the Authour of the *Partidas*. But the antienteſt occurrence of the form of making a *Conde* there, is in that of *Don Alvaro Nunnez Oſorio*, Favourite to *Alfonſo* XI. King of *Caſtile*, in MCCCCXXVIII. The King created him into the title of *Conde de Traſtamara, Lemos et Sarria.* The Ceremonies were much differing from thoſe that are found either in any other Nation or in *Spain* in the following times after the Creation of this *Conde*. The King being placed in the State, a Cup of wine with three Sops was brought to him. The King then ſolemnly bids *Don Alvaro* take one, *Alvaro* bids the King in the ſame phraſe; *Tomade Conde*, and *Tomade Rey*, were the words. And after this mutual invitation uſed by them thrice, they eat the three Sops together, and then they that ſtood by ſaluted *Alvaro* in acclamation, by the name of *Conde*. Then a *Banner* and a *Caldron* or *Caldera*, and poſſeſſions fit for a *Conde* were given him by Charter. And this was the Creation. But I tranſcribe it alſo as it is delivered in *Mariana*. *Oſorio* (ſaith [z] he) *amicorum Principi abs Rege* Hiſpali *datum, ut* Traſtamaræ Lemoſii *atque* Sarriæ Comes *eſſet. Novum id exemplum fuit, nullis antea in* Caſtellæ *regno Comitibus. Rudi Ceremonia honos delatus.* Hiſpania *literaturæ expers moris omnis ignara: Tres Offæ in vini Poculo oblatæ; cum inter ſe Rex Comeſque tertio invitaſſent, uter prior ſumeret, à Rege Offa una ſumpta, à Comite altera. Jus* Caldariæ *in Caſtris, in bello,* Vexilli *propriis inſignibus diſtincti datum. In eam ſententiam confectis tabulis atque recitatis, conſecutus aſtantium clamor plauſuſque. Is inſtituendi Comites ritus fuit.* That which he calls *Jus Caldariæ in Caſtris*, is named only *Caldera* (whereof more

x Videſis *Guil. Neubrigenſ. de rebus Anglic. lib. 2. cap. 10.*

y *Vide* Salazar de Mendoza. *Origin de las dignidades lib. 3. cap. 7. Sed & lib. 1. cap. 9. & la ley de &c.*

z *Hiſtor. lib. 15. cap. 20.*

Spain.

when we ſpeak anon of the *Ricos hombres*) in the old Spaniſh Chronicle of King *Alfonſo* that created this *Conde* (whence this Ceremony is taken) and is joyned with *Pendon* (for the Banner) and *Caſa y Hazienda de Conde*, or *a Houſe and Poſſeſſions fit for a Conde*. *Mariana* alſo, in thoſe words *Nullis anteà in Caſtellæ Regno Comitibus*, ſuppoſes, I think, that no *Condes* had before been made thus, not that none had been in *Caſtile* before that time. For clearly others had been [a] before made, but at that time indeed none lately; whence it happened that they were ignorant of the antient Ceremonies. But this and the truth of that Ceremony will beſt appear by the whole Creation, as it is in that old Chronicle written by *Juan Nunnez de villaſan*, who was *Juſtitia Mayor* to Ring *Henry* II. This Authour ſaies [b] that firſt the King changed the Arms of this *Alvaro* from Wolves Gules, in a field Or, into Goats ſable in a Field Argent, and created him Count. *Y porque avia luengo tiempo que en los Reynos de Caſtilla y de Leon no avia Conde craduda en que manerr lo harian y la yſtoira quenta que lo hizieron deſta guiſſa; y el Rey aſſentoſe en un eſtrado, y trueron una copa con vino, y tres ſopas, y el Rey dixo* Tomad Conde, *y el Conde dixo* Tomad Rey, *y fueſto dicè per ambos a dos tres vezes, y comieron de aquelas ſopas ambos a dos luego todas las gentes que eſtavan alli dixeron* eccad el Conde, eccad el Conde *y de alli adelante truxo* pendon *y Caldera y caſa*, y hazenda de Conde *y todos los que antes le aguardavan, aſſi como a pariente y amiego quedaron de alli adelante por ſus vaſſallos y otros mas.* Here it appears that when this creation was to be performed, the antient Ceremonies were ſo forgotten (becauſe that for a long time there had been no *Conde* made there) that it was much doubted how they ſhould be performed. And for that of *Evad el Conde*, which ſome reſolve into *He, va el Conde*; *Salazar de Mendoza*, ſaies *Evad*, is an old *Caſtillian* word ſignifying as much as *Mirad*, or behold, and ſo *Evad el Conde*, is *Behold the Conde*. He obſerves alſo out of this Example, that though the faſhion of Creation in thoſe times were to give *juntamente por inſignias el Pendon y Caldera*, or a Banner and a Caldron, yet, at this day, a Patent only gives the dignity with ſome Town or Territory to ſupport the Title. A form of the Patents that give this dignity, I repreſent here out of *Lopez de Haro*. It is that whereby *Henry* IV. in MCCCCLXX. made *Pedro Lopez* [c] *de Ayala* Conde de *Fuenſalida*.

[a] Videſis *Salazar de Mendoza en Orig. de las dignidad. lib. 3. cap. 1, 2. & ſeq &c.*

[b] *Nunnez de villaſan Chronic. del Rey. Alonſo* 11. *cap.* 64.

[c] *Lopez de Haro en ſuo Nobiliario pag.* 513.

DOn *Henrique* por la gracia de Dios, Rey de *Caſtilla* y *Leon*, de *Toledo*, de *Galicia*, de *Sevilla*, *Cordova*, *Murcia*, de *Jaën*, del *Algarue*, de *Algecira*, de *Gibraltar*, Sennor de *Vizcaya* y *Molina* &c. Por quanto a los Reys, e Principes, pertenece honrar, e ſublimar, e decorar, e fazer gracias, e mercedes a ſus ſubditos e naturales, eſpecialmente aquellos que bien e lealmente los ſirven: lo qual por mi acatado, e conſiderado, e a los muchos, e buenos, e leales, e ſennalados ſervicios que vos *Pedro Lopez de Ayala* mi Alcalde mayor de *Toledo*, e de mi Conſejo, me avedes fecho, e fazedes cada dia, e en alguna enmienda e remuneracion dellos; E por vos honrar, e decorar, e ſublimar, e poner en eſtado e porque de vos, e de vueſtro lina aya memoria, e ſeades mas acatados e honrados: Por la preſente, de mi propio motu, e y cietra

cierta ciencia, e poderio Real, de que en esta part, como Rey *Spain.*
e Sennor, quiero usar, e uso, e vos fago, e creo Conde de la vuestra villa de *Fuensalida*, e quiero, e mando, que de aqui adelante, vos e vuestro hijo mayor, e los que del vinieren, e vuestra casa e mayorazgo heredaren paren siempre jamas; ayades, e tengades el dicho titulo de *Conde*, de la dicho villa de *Fuensalida*, e que vos podades llamar, e intitular, e nombrar *Conde*, e vos lo llamedes, nombrar y intitular de la dicha *Fuensalida*, e que vos sea fecha salva e ceremonia, e las otras cosas que a los *Condes* de mis Reynos se fazen, y acostumbran fazer. Otrosi, que aydes e gozeds, e vos sean guardadas todas las honras, gracias, e mercedes, franquezas, e libertades, preeminencias, dignidades, e prerogativas que han, e gozan, e son guardadas a los otres Condes de mis Reynos, e seades recibido a todos los actos y cosas que a ellos son, e deven ser recibidos, e por esta mi carta, o por su traslado signado de Escrivano publico, manda a la Princesa Donna Juana mi muy cara, e muy amada fija, e a los Prelados, Duques, Condes, e Marqueses, Ricos hombres, Maestres de las Ordenes, Priores, Comendadores, e a los de mi Consejo, Oydores de la mi Audiencia, Alcaldes e Notarios, e a otras justicias Especiales, qualesquier de la mi Casa, e Corte, e Chancilleria, e a los mis Mariscales, e Reyes de Armas, Farautes, e Persevantes, e a los subcommendadores, Alcaydes de los Castillos, e casas fuertes, llanas, e a todos los Concejos, Alcaldes y Alguaziles, villas, e lugares de los mis Reynos, e Sennorios, e a otras qualesquier personas, mis vassallos, e subditos, e naturales, de qualquier estado, e condicion, preeminencia, o dignidad que sea, cada uno dellos, que de aqui adelante vos ayan, e tengan per Conde de la dicha *Fuensalida*, e llamen e intitulen Don *Pedro Lopez de Ayala*, Conde de la dicha villa de *Fuensalida*, e vos reciban a todos los actos o cosas aque los otros Condes de mis Reynos son, e deven ser recebidos, e vos guarden e fagan guardar todas las cosas susodichas que a los otros Condes de mis Reynos son e deven ser guardadas; de espues de vos, a los que la dicha vuestra casa e mayorazgo heredaren, e que vos non vayan, ni passen, ni consientan ir, ni passar aora, ni de aqui adelante en tiempo alguno ni por alguna manera, ca yo por esta mi carta os fago, e creo Conde de la dicha *Fuensalida*, e vos do el dicho titulo para vos, e los que la dicha vuestra casa e mayorazgo heredaren, segun dicho es, e vos fago par, e igual de los otros Condes de mis Reynos, para todo lo susodicho, e para cada cosa dello,

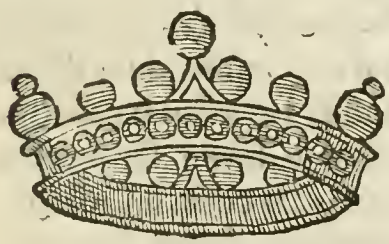
Spain. ſobre lo qual mando a mi Chancillere Notario, e alos otros mis oficiales que eſtan a la tablea de los mi ſellos, que vos den, e libren, paſſen, e ſellen mi carta de privilegio, lo mas firme e baſtante que les pidieredes, e ovieredes meneſter, e los unos ni los otros no fagan endeal por alguna manera, ſopena de la mi merced, e de privacion de los oficios e de confiſcacion de los bienes de los que lo contrario hizieron, para nueſtra camara: e demas mando al Eſcrivano que le eſta mi carta monſtrare, que los emplace, que pur ezcan ante mi en la mi Corte, do quier que yo ſea el dia que los emplaçare, faſta quinze dias primeros ſiguientes, ſo la dicha pena, ſo la qual mando a qualquier Eſcrivano publico que para eſto fuere llamado, que de al que ende ſe le monſtrare teſtimonio ſignado con ſu ſigno, para que yo lo ſepa, en como ſe Cumple mi mandado. Dada en Segovia a viente dios de Noviembre, anno del nacimiento de nueſtro Sennor Jeſu Chriſto de mel y quatrocientes y ſetenta annos.

YO EL REY.

Yo Juan de Oviedo *Secretario del Rey nueſtro Sennor, la fize Eſcrivir, por ſu mandado.*

The ſame *Lopez* hath another form at large of the Creation of *Don Gabriel Manrique* into the title of *Conde de Oſorno.*

For the Coronet which the Condes may ſet on their Arms; if we might believe *Mariana* (whoſe words are before cited in the Section of Dukes) they are *Regiis haud abſimiles*, and not unlike thoſe of Dukes. But *Geromino de Urrea*, *Salazar de Mendoza*, *Lopez de Haro* and others deſcribe them with *tres puntas o hilo de perlas* (as *de Haro's* words are) and *tres puntas, y mas baja la de en medio*, as out of *Urrea*, *Mendoſa* hath it. But in this form they are for the moſt part repreſented over the Coats of the *Condes* in *Haro's Nobilirio*, and ſometimes with fewer Pearls, which whether it is proceeded from the Cutter's negligence or fancy, or whether it be indifferent, I know not.



The title of *Conde Palatino* alſo, or Count *Palatine* is obſerved to have been in *Spain*. *Gonzalo de Guzman*, *Sennor de Torija* was [d] called ſo almoſt CC years paſt.

V. *Viſcounts*, or *Vizcondos*, alſo in ſome number occurr in the dignities of *Spain*. [e] It hath the ſame original as in *France*. But the Spaniſh Writers ſay, that the Sons and Heirs apparant of *Condes* were wont to be ſtiled *Vizcondes*, and that the Title was in them as a *Mayorazgo*, or Right of Primogeniture, in regard they exerciſed their Fathers Pow-

er,

d *Alonſo Lopez de Haro. Nobil. Gen. lib. 4. pag. 273.*

e Idem ibidem. Vide *A. de Salazar en l' inventarie de L'eſpagne pag. 139.* & ſi placet *l. 2. Partid. 2. tit. 1. Leg. Navarræ lib. 5. tit. 17. pag. 218. Edit. 1614.*

er, and enjoyed his Rights in his ſtead, or *illius vice*. So expreſly *Benito Guardiola*, [f] *Salazar* [g] *Mendoza*, [h] *Garibay*, and others. *Spain.*

f *De Nobleza de Eſp. cap.* 42.
g *Orig. de las dignidades lib.* 3. *cap.* 7.
h *Lib.* 10. *cap.* 4.

VI. But in the antient times before thoſe greater dignities of the Feudal Dukes and Marqueſſes came into uſe, when the Title of *Comes* was the greateſt (whence their name of *Conde* was made) the *Caſtilian* expreſſion, or the *Romance* of that Country, did not ſo much ſtile thoſe *Comites* that were Feudal, by the name of *Condes*, as by that of *Ricos hombres*, as if we ſhould ſay literally *Rich men*; but ſo, that their wealth was not ſo much denoted in that Title as their dignity. For as *Alexio* [i] *Venegas* notes, *Rico hombre* is the Title of Dignity, but *Hombre Rico* is ſimply for a *Rich man*. For every one that was Rich, though his Territories were as large as the greateſt *Conde*, was not therefore a *Rico hombre*; but a Creation of him into that Title gave him the dignity which they prove [k] by that example of *Don Alonſo Fernandez Coronel*, who being a Lord of very large Territories, made it a great ſuit to *Don Piedro* King of *Caſtile*, to be created into the Title of *Rico hombre*. The Ceremone of Creation and Inveſtiture of this dignity was the ſame with that of *Conde*, as it is before delivered. That Conde of *Traſtamara* being plainly a *Rico hombre* of that time. And for ſo much as concerns the giving of the Banner and the *Caldera*, or Cauldron; The Stories have expreſs mention of it. That *Alonſo Fernandes* was ſo created; and ſo was the cuſtom of *Spain*, (ſaith [l] the Story) when the King made any *Rico hombre*. So others.

i Apud *Guardiolam de Nobilit. cap.* 40. & *Salazar de Mendoza lib.* 1. *cap.* 9.
k *Salazar & de Guardiola* ibidem vide plura de *Ricis hominibus*, & Rica hombrea. *Aragonum apud Joſeph. de Seſſe Deciſ. Arag.* 1. §. 36. *&c* & alios ibi citatos.
l *Chronica de Rey Don Pedro. cap.* 21.

The *Banner*, ſaies *Salazar de Mendoza*, was a teſtimony of a power given him to lead in the Field, and the *Cauldron* of his greatneſs in houſe-keeping, and ability in maintaining [m] thoſe whom he ſhould lead. And being thus created, he had liberty to take the great Title of *Don*, as a forename. In thoſe elder times the uſe being that none but the [n] King, the Infants and Prelats had it otherwiſe added to their names. But ſome ſay that all the *Ricos hombres* might not have the name [o] of *Don* but only ſuch as, being not bound to ſerve in the Wars at the Kings command, had their own liberty to ſerve at pleaſure. A ſpecial mention of this title of *Ricos hombres*, as comprehending all the *Condes* of the time, and not only the *Condes* but other great Lords, is in an old Charter of MCCCXX, remaining in the Monaſtery of *Sahagun* [p] where the States are reckoned by *los Infantes & los Prelados & los Ricos homes, & los conceijos & las ordines & la Cancellaria Del Reguo de Caſtilla & de Leon, & de Galizia &c.* So in an old Law of *Alfonſo* X. *Si algun Rico home de meſtro Sennorio denoſtare a Dios* [q] *a Santa maria &c.* If any *Rico home* blaſphemed, he was to forfeit one years profits of his Lands for the firſt offence, two years for the ſecond; and for the third, his whole eſtate in it was forfeited. And in a Law of *Alfonſo* XII. touching exactions in times of tumult, *Eſtabliſſemos* [r] *otroſi que ningun Rico hombre ni Cavalliero ni hombre hijo dalgo no tome conducho &c.* where we ſee no other title for the greater Nobility which then conſiſted in *Condes* only or *Ricos hombres*, but only *Ricos hombres*. To this purpoſe, the Authour of that *De regimine* [s] *Principum*, *Apud Hiſpanos omnes ſub Rege Principes*, Divites homines *appellantur & præcipuè in Caſtella*; which words *Gregorio Lopez* cites upon the *Partidas*, and gives the reaſon thus. *Hujus eſt ratio* (ſaith [t] he) *quia Rex providet in pecuniis ſingulis Baronibus ſecundum merita ſua; vel ſecundum complacentiam, hos deprimit, illos exaltat. Ut plurimum n. munitiones & Juriſdictiones*

m Ita *Joſeph. de Seſſe deciſ. Aragon.* 1. §. 62.
n *Lorenzo de Padilla* apud *Salazar de Mendoz. l.* 1. *cap.* 9.
o *Vide de Titulo* Don *Guardiol. de la Nobleza cap.* 39.
p *Guardiola de la Nobleza cap.* 40. & vide vocabulum *Condes* pro hiſce *viciſſim uſurpatum in l.* 2. *tit.* 18. *Partid.* 3.
q *Partid.* 7. *tit.* 28. *l.* 2.
r *Recopilat. Phil.* 2. *lib.* 8. *tit. de los lavantamientos lib.* 3.
s *Lib.* 3. *cap. ult.*
t *Ad l.* 10. *tit.* 25. *de los vaſſallos Partid.* 4.

Spain. *ones non habent niſi ex voluntate Regis, & inde vocantur* Divites homines, *quia cui in majori ſumma providetur, ille major eſt Princeps, quia pluribus poteſt militibus providere.* But here he makes the *Ricos hombres* to denote as much as Barons. It ſeems, indeed, in ſuch a ſence as Baron was uſed antiently, and ſometimes at this day, for all ſuch as have the greater dignities, it might in thoſe times be underſtood in the *Rico hombre* of *Spain*, as alſo it appears in the Law whereon he writes. *Ricos hombres* (ſo are the words of the Law) *ſegund cuſtumbre de Eſpanna ſon llamados los que in las otras terras dizen Condes o Barones*; as if the Authour had meant that as *Conde* or *Baron* was attributed generally to the greateſt Lords in other Countries, ſo was *Rico hombre* in *Spain*. Not that the title of *Baron* in its reſtrained ſignification, and as it is a feudal dignity beneath *Conde*, was denoted by *Rico hombre*; But that the title of *Ricos hombres* comprehended all the great Lords, as that of Barons in the more general ſignification did in other Countries, touching which, ſee more eſpecially in the Barons of *France*. Some would have it that *Rico hombre* antiently was the ſame that is now a [r] *Grande* in *Caſtile*. And other opinions touching it are in *Joſephus de Seſſe*, his deciſions of *Aragon*, [t] *Bobadilla* and ſuch more. But the title of *Rico hombre* is at this day given to ſome eminent Lords not in *Caſtile* only, but in *Aragon* and *Navarre* alſo and in ſome other Kingdoms in that County. But that of *Grande* is an additional dignity not only to all Dukes, but to ſome Marqueſſes and Condes alſo, and conſiſts in being covered, and ſitting before the King, and ſome ſuch other reſpects at Court. A few of the Marqueſſes and Condes have it, and therefore I ſee no proportion betwixt a *Grande* and a *Rico hombre*. Some five or ſix Condes ſaith *Salazar de* [u] *Mendoza*, are uſed as *Grandes*, and ſome ſeven or eight Marqueſſes. But he that is created a Duke is thereby alſo made a *Grande*.

[r] *Guardiola de la Nobleza cap. 40.*
[t] *Politic. lib. 2. cap. 16. §. 21.*
[u] *Origen. de las dignidades lib. 3. cap. 8, 13, & 15.*

The reſtrained notion of *Baron* or *Varon*, as it is a ſingular dignity, is in *Spain* alſo; eſpecially in *Catalauna* [x] and *Valencia*, where ſuch as poſſeſs the Inheritance of Signories with large Juriſdiction, but without any other title annext to them, are called *Barons*, as ſome that have Caſtles in like ſort are ſtiled *Caſtellans*. So alſo in other Provinces of *Spain*.

[x] *Guardiola de la Nobleza cap. 43.*

VII. Touching thoſe great dignities, although ſome of them are perpetual, and, by the Law, upon death tranſmitted to Poſterity without any new allowance or inveſtiture from the King; yet others there are, and, it ſeems, the moſt, that, upon every death, are received again from the King; but not by any Charter of new Creation, but only by the Kings acknowledgment of them, by adding the titular name in his anſwer to the Heir, who by his own name only, [y] without the addition of his title, ſignifies to the King the death of his Anceſtors. And this courſe remains there, as a relique of the more antient times when the titles of *Condes*, or *Ricos hombres* were for years or life only. To this purpoſe, *Mariana*; *Antiquis* [z] *temporibus Comitum appellatione provinciarum præfectos honeſtare mos fuit, annorum numero quibus præeſſe deberent præfinito. Conſequenti tempore, Regum indulgentia aut imbecillitate, honos ille dum vita maneret cœpit eſſe proprius; demum ad poſteros propagari hæreditatis jure. Antiquitatis veſtigia in Hiſpania retinentur, quando Proceres Hiſpani non prius paterni principatus à parentum obitu nomen uſurpant, neque* Ducis, Marchionis, *aut* Comitis *titulos aſcribunt quàm Rege denuò annuente, præter paucas familias quibus jure privato contra facere à Regibus eſt conceſſum.*

[y] *Sal. de Mendoz. lib 3. cap. 8, & 13.*
[z] *De rebus Hiſp. lib. 8. cap. 2.*

VIII.

Spain.

VIII. Their *Cavaleros* (beſides that general uſe of the word, wherein ſometimes it extends it ſelf to all that are in the ſtate of Gentlemen or *Hydalgos*) are of three kinds; that I may uſe the ſame diviſion which the Spaniſh Writers do. Firſt, they have *Cavalleros de Eſpuela d'orada*, or *Knights of the Golden Spur*; Secondly, *Cavalleros armados*; Thirdly, *Cavalleros de Alarde, e de premio, de guerra, o quantioſos*, as they call them.

For the *Cavalleros de Eſpuella dorada*, or *Knights of the Spur*; theſe things are eſpecially obſervable out of the antient and later cuſtoms. *To what Perſons the Title is given*; *Who may give it*; *the Form of receiving it*; *What the* Cavallero *being created was bound to obſerve*; *the ſingular Honour and Privilege due to him*; *What, Whence and How he may loſe his dignity*. The Perſons on whom this kind of Knighthood is to be beſtowed, are, by the *Partidas*, only *Hydálgos*, or Gentlemen of birth, and that of three deſcents at [a] leaſt. In the later time one ſerves; and none alſo needs if by Charter the *Hydalguia* or Gentry have been conferred on him that is to be created. And the honour of it hath been ſo eſteemed there, that not only to the Kings [b] Sons, but alſo to the Kings themſelves it hath been thought ſo neceſſary, that they ought not to be crowned until they had received it.

a L.2.tit 21. Partid.2.

b L.36.tit.2. Part.3. & l. 11,& 23.tit. 21.part.2.& ibid.Lopez d.

It hath uſually been given only by the Sovereigns. But there is a Story of an Embaſſadour of *Juan* [c] King of *Aragon*, that in the name of his Maſter created the Son of the *Soldan* of *Cayro* into this dignity with the Chriſtian Ceremonies. And *Ferdinand* Son to *John* the Firſt King of *Aragon*, was Knighted at [d] his Coronation in *Zaragoça*, by the Duke of *Candia*. In the *Partidas*, [e] there is a ſpecial Law touching thoſe that might, or might not give it. None may give it (ſaies that Law) that hath not himſelf received the ſame order. No woman therefore though ſhe be a Queen or Empreſs may give it by her own hand but by Commiſſion. None under the Age of fourteen years, nor a Clarke, nor a Monke may give it. But it is ſaid there that ſome have held that the King or his Son and Heir apparant may give it, though they have not received it, and that it is ſo practiſed in ſome Countries, becauſe they are the *Cabeças de la Cavalleria*, or the *Chiefes or Sovereigns of Knighthood*. But that is not here thought to be reaſon enough to juſtifie the uſe. And touching this Point more anon in *Cavalleros Armados*.

c Guardiola de la Nobleza cap. 35.

d Guardiola ibid Sed & vide Hiſtor. de eâ re fuſiorem apud Zuritam in Annal. Aragon. lib. 12. cap. 34.

e L.11.tit.21. part.2.

For the form of giving it; Antiently the Ceremonies thereto belonging were, as in other places, more than at this day. In the afternoon of the day that it was to be given, the *Eſcudero*, *Hydalgo*, or Gentleman, that was to receive it, was to be [f] bathed, and therein to have the aſſiſtance of other *Eſcuderos* that waſht his head, and then had him into a rich bed. Then, by ſome Knights alſo aſſiſting him, he was to be cloathed in rich Robes, and ſo led to the Church where he might perform his [g] Vigils. There was he to confeſs and make his prayers for remiſſion of his ſins, and for power to obſerve the duty belonging to the Order of Knighthood, and for protection in all his adventures; and while he prayed, not at any time to ſtand on his feet. His Vigil paſt over, and a Maſs heard, he that was to give him the dignity, came to him and askt him if he deſired to have the Order of Knighthood. Upon his ſaying he did, he askt him if he would keep the Laws of Knighthood, which alſo granted, he either by himſelf or ſome other Knight put on his Spurs, then

f L.13,14.&c. in Partid.2. tit.21.

g De Vigiliis vide item Zuritam in Annal.Aragon. lib.12.cap 34.

Spain. then girt him with a Sword (the more antient courſe being as it is ſaid in the *Partidas*, that he was wholly to be armed, ſaving his head only, which remained uncovered) then drew it out and put it in the right hand of him that was to be created, and gave him an Oath that he ſhould not refuſe to die either for the defence of his Law, [h] or of his King, or of his Country. The Oath being taken; he gave him *una Peſcoçada*, or *a ſtroak on the neck*, that he might the better remember what he promiſed, ſaying, God aſſiſt you in the performance of that which you have promiſed. Then both he that created him, as alſo the reſt of the Knights preſent, kiſſed him. And all other Knights that met him in the year following were bound to do the like, as giving him a teſtimony of their Faith and Love to him; whence it is (ſay the *Partidas*) againſt the Law of Knighthood that any Knight do another any affront, unleſs he firſt ſend his defiance, challenge or publication of the breach of that band of Faith ſo made between them. The *Cavallero* thus created; his Sword was to be ungirt from him, either by the King or by ſome other Perſon of Honour preſent, who in that action was a *Padrino* or Godfather in confirmation, and was ſuppoſed hereby to confirm the Knighthood thus given. This is reported there as agreeable to what was antient, and in *Alfonſo* X. his time. And although the bathing, vigil, putting on Spurs, girting with a Sword, and the Oath ſo concurred to the making of a Knight, yet *Cingulo accingere* only was the phraſe ſometimes uſed for the giving this Knighthood (as in other places alſo) as we ſee in the [i] releaſe made by *Alfonſo* X. King of *Caſtile*, of all his rights in *Gaſcoine* to Prince *Edward*, Son to our *Henry* III. wherein he recites that *Cingulo eum accinxerat militari*, which was performed at *Burgos* in MCCLV. and was an Act of ſuch honourable eſtimation in *Caſtile*, that in ſome Charters of that King *Alfonſo* dated the ſame year, this giving the Order to the Prince is noted as a Character of the time, by naming the year by it; as in an example of a Charter under Seal, yet remaining in the Monaſtery *De Santo Benito*, [k] *el Real de Sahagun*, dated the XXV of *April*, in the *Era* of MCCXCIII. (that is, MCCLV of our Saviour) *En el anno que Don Odoart fijo primero & heredero del Rey Enrice de Anglaterra recibio Cavalleria en Burgos del Rey Don Alfonſo ſobredicho.* But in the later times, as in other Kingdoms, ſo here, much leſs ceremony [l] and ſcarce any more than the Dubbing is uſed in the giving this order, beſide a Charter of Creation, whereof ſome memory alſo is in the Spaniſh [m] Writers. And thereof, more is anon ſaid.

For, in MCCCCLXXVI. by the Law of *Ferdinand* and *Iſabel* made at *Madrigal*, [n] it was ordained that it ſhould be at the pleaſure of the King to uſe thoſe old Ceremonies or not, in giving this Order, and that the dignity ſhould be the ſame, though they were omitted. Before that time, this antient faſhion, it ſeems, was alwaies [o] uſed. But the Knight thus made was bound to give eſpecial Honour both to him that created him and to this *Padrido* that ungirded the Sword from him. But to him that created him, the reverence was to be ſuch (ſaies the Law in the [p] *Partidas*) that he might not in any caſe fight againſt him, unleſs it were in defence of his Sovereign, which I underſtand there by *Sennor natural*. And in that caſe he was to take ſingular care that he neither ſlew him nor wounded him, except he ſaw him about to ſtrike his Sovereign. Neither might he juſtly, in act or advice, be any way againſt him, but on the contrary was to prevent all injury that he ſaw towards him, or admoniſh him of it, unleſs the matter were ſuch as that it might turn to the damage of his Sove-

h *Pur ſu ley, pur ſu Sennor Natural, pur ſu terra.*

i *Rot. vaſc. 39. Hen 3 m. 12. in arce Londinenſi.* Videſis *Matthæum Weſtmonaſter. ſub anno 1254. &c.*

k *Guardiola de la Nobleza, cap. 35.*

l *Lopez ad l. 23. tit. 21. Part. 2.*

m Videſis *Otolaram in ſumma Nobilitatis part. 4. cap. 1. &. 6. De Johanne de Avecia.*

n *Ordinament Caſtiliæ li. 4. tit. 1. l. 8. & Recopilat. lib. 6. tit. 1. l. 6.*

o Vide *Ordin. tit. eodem l. 7. & Recopil. eod. l. 5.*

p *L. 16. & c. tit. 21. p. 2.*

Sovereign, or of the Father, Son, Brother or of any of the next Kinſmen to his Sovereign in their Lives, Eſtates, or Honour. For of other things he was not bound to admoniſh him. The like alſo ſaies that Law he was to obſerve towards his *Padrino* for three years after the order received, and ſome were then of opinion that for ſeven; he was to ride with his Sword and Cloak in the time of Peace, and all armed in the time of War. He was bound to protect Ladies, and not to ſell or pawn his Horſe or Arms without the command of his Sovereign or inevitable neceſſity, nor venture them at play. *Spain.*

So much Honour was given to ſuch Knights by the *Partidas* [q] that none might ſit before them in the Church, but Kings, Prelats, or great Lords, or other Clergy men that read Divine Service. The like order was to be obſerved in giving the *Pax* to them. None was to ſit at the Table with them, or contend in Argument with them, unleſs he were a Knight, *Eſcudero ni otro ninguno* (as the words are) or ſome Perſon very eminent either for his blood or vertue. No man might break the Houſe of one of thoſe Knights but by the expreſs command of the King or his *Juſticia*, or Chief Juſtice. For ſo I underſtand, *Sinon per mandabo del Rey o por mandado de Juſtitia*, which yet *Lopez* turns into, *niſi Juſtitiæ prætextu aut Regis mandato.* His Horſes and Arms were not to be [r] taken from him in any ſuit, unleſs nothing elſe were to be found; and in that caſe alſo, the Horſes of his own Saddle were privileged. And when any of his Goods of his Houſe might be attached, yet that was to be done only, while neither himſelf nor his Wife were preſent. He was not to be put on the Rack, unleſs it were for ſuſpicion of Treaſon. Neither was he to be put to death as an ordinary Perſon, but to be beheaded. Some other Privileges they had. But whether any of theſe belong to their *Cavalleros de Eſpuela D'orada*, at this day, I know not. Their Lawyers [f] diſpute of it. And *Communiter concluditur* (ſaith [t] *Gregorio Lopez*) *quod milites qui vacant armis pro ſuo ſuperiore gaudeant privilegio militum. Licet n. ordo & ſolennitas in aſſumptione militiæ in uſu deſierit tamen effectus remanſit.* And to this purpoſe he cites *Cynus*, *Baldus*, and others in *L. 1. C. de Juris & ſancti ignorantia.*

[q] *L.23,24.&c. tit.21.part.2.*

[r] *Videſis Ordin. Caſtellæ lib.4. tit.1.l.12.& ibi Perez.*

[f] *Vide Didac. Perez ad lib.4. Ordinament. tit.1.l.1.*

[t] *Ad l.22.tit. 21.Partid.2.g.*

The *Cavallero* was to be degraded, if being in ſervice he ſold his Horſe or Arms, [u] or played them away at Dice, or gave them to his Wenches, or pawned them in a Tavern, or ſtole the Arms of any of his fellow Knights, or created any man into the dignity of Knight, that was not by Law to receive the Order, or if he profeſſed the Exerciſe of Merchandize, or uſed any ſordid Manual Trade being not in captivity. And in caſes where for hainous crimes he was to ſuffer death (as for flying from his Ranks, forſaking his Sovereign or any Fort that he held for him, or not giving his own Horſe to his Sovereign, when his Sovereigns fell in the field, or not freeing his Sovereign from captivity, when it lay in his power, all which were reputed as Treaſon) he was firſt to be degraded. The ceremony of the degradation being thus. The King commanded an *Eſcudero*, or ſome Gentleman, that he ſhould put on Spurs on the Knight, and gird him with a Sword; and then that he ſhould cut in ſunder the Belt or Girdle behind, and alſo the Spur Leathers, which done, he loſt the honorary Title of Knight for ever.

[u] *L.25.tit.21.*

IX. As the *Cavalleros de Eſpuela D'orada*, or thoſe of the firſt part of the diviſion, are *Hiidalgos*, before they are made Knights, ſo the *Caval-*

Spain. *leros armados* (as they call them) are such as being before *Buenos Hombres pecheros*, or not *Hiidalgos*, and so subject to all Taxes and Tributes, have received the dignity of *Cavallero*, which is given them after the same fashion, as is before described in those *De Espuela D'orada*, who for distinction from the *Armados* are sometime called *Fidalgos e Cavalleros*, or *Gentlemen and Knights*; as in that old [y] Epitaph of one of the Family of the *Feyxoos*;

[y] *Gonsalo Girlote de Molina, en la Nobleza de Andaluzia lib.1.cap.103. & lib.2.cap.13.*

A QUI JAZ FEYXOO ESCUDIERO,
BON FIDALGO E CABALEIRO
GRAN CAZADOR E MONTEYRO.

So *Miguel Perez*, *Alguazil Mayor* of *Jayen*, buried in MCCCX. in *Santiago del Arrabal* in *Toledo*, is called, I conceive to the same purpose; *Miles famosus probus armis & generosus.* But as the Ceremonies have changed [z] in the making the one kind of Knights, so in the other. But the *Armados* must be made by the King's own hand, and unless they be so, they are not to enjoy any of the *Cavaleros* priviledges, to which either by Charters or otherwise they may pretend. But the reason of their distinction of these Knights from the other, and their names are more fully to be opened. We must remember that all that are *Hydalgos* there, are free from all Taxes and Tributes. These *Hiidalgos* therefore being made Knights, have no kind of accession of privilege to that purpose, *Quia cum sint Nobiles hoc est* Hijosdalgo (as [a] *Otolora*'s words are) *etiam citra privilegium sunt immunes ab omnibus Collectis & Contributionibus.* And therefore when they have Charters of their Knighthood (which the *Spaniards* call *Privilegios de Cavalleria*) there is no mention in them of any such freedom. *In hujusmodi privilegiis nulla fit mentio* (saith the same *Spaniard*) *tributorum, quia non consequuntur militiam hanc nisi tantum quoad majores honores & alias Nobilitatis præeminentias, & ad exercendos ipsius militiæ actus*; as it appears, also in this that not only their *Ricos hombres*, or the greatest Lords, but also the Sons of the King and the Kings themselves took upon them this dignity. But as these have the *Cavalleria* for accession of honour only, so the other, being before they are Knights *Hombres pecheros*, or no *Hiidalgos*, but subject to Taxes and Tributes, have, together with it, an immunity from Taxes and Tributes expresly given them in their Charters of Knighthood, which immunity so given is the principal Character of *Los Cavalleros Armados. Isti milites* (saies *Otolora*) *per tale privilegium sunt immunes ab omnibus collectis & contributionibus secundum formam & tenorem suorum privilegiorum*; So that they maintain Arms and Horse, and keep other conditions of that kind ordained by the *Pragmaticas* of *Madrigal*, and *Zamora*, [b] made by King *John* the First. For otherwise they are not to enjoy *La Cavalleria ni los privilegios o las exemptiones della*, as the *Pragmatica* of *Zamora* saith. And in the proof of this kind of Knighthood, and the Immunities belonging to it, no testimony is enough unless the *Privilegio* or Charter [c] of it be shewed, and that under the Seal of *Spain.* For such as are made Knights and have Immunities given them by other Princes, or, as their Law is, such as had Charters of *Cavalleria* from the Emperour *Charles* V. (being also King of *Spain*) as he [d] was Emperour, enjoyed nothing by them. Other particulars touching these *Cavalleros Armados* may be seen in the Ordinances of *Castile*, *lib.*4.*tit.* 1. and in the new *Recopilation lib.*6. *tit.* 1. with *Didacus Perez*, and *Alfonso Azevedo* upon them, and in *Otolora*, and such more of

[z] *Videsis Ordinat.Castellæ lib. 4. tit. 7. & Recopilat. lib.6.tit.1.l.5, & 6.& Otolor. summ.Nobilit. part.4.cap.§.7. Guardiol. de la Nobleza cap. 35.Joseph.de Sesse decis.Aragon.1.§.19. &c.*

[a] *Summ.Nobilit.part. 4. cap. 1. §.6.*

[b] *Ordinat.Castellæ lib.4.tit. 1.l.4,& 4. ejusmodi habetur Pragmatica in Ordinat.Portugalliæ lib.2.tit. 35.*

[c] *Recopilat.lib. 6.tit.1.l.7.*

[d] *Ordin.lib.4. tit.1.l.8.*

of that Nation, who dispute touching the particular Taxes, and Tributes from which they are made free. *Spain.*

That third kind of *Cavelleros*, which they call, *De alarde o de guerra &c.* I conceive to be no other than such as are bound (without receiving the Order of Knighthood) to maintain Horse and Arms for the King's Service, and to shew them in publick Musters once or twice a year. These I add here to the other because I find them to be a part of the division of *los Cavalleros* in *Guardiola*, *Otolora*, and the [e] Laws of *Spain* also. And [f] some freedoms they have in regard of that charge to which they are subject. But it seems the Title is no more honorary than a Tenant by Knights Service with us in *England*. Neither indeed, as some will have, is the Title of *Cavalleros armados* (being no Gentlemen before they are created) so great as one that is an *Hiidalgo*, or *a Gentleman* either by blood or Charter. For (saies [g] *Otolora*) *licet utrunque privilegium scilicet* el de Hydalguia y Cavellaria *conferat jus immunitatis, plenius tamen & uberius providetur per privilegium nobilitatis.* The Charters of *Hydalguia* or Gentry, giving an absolute freedom from all Taxes and Tributes, but that of *Cavalleria armada*, only under the conditions of maintaining of Horse and Arms, and observing those Laws of *Madrigal* and *Zamora*. Yet because the Order of Knighthood is given with it, we cannot but esteem it honorary where ever it be placed among them. But to this last kind *De alarde*, there is no other honour adherent than only such as may be conceived to be concomitant with a Military charge undertaken for the State, which may indeed rather stile them good Patriots (if they take care of it) than any way dignifie them with a special Title of Honour.

[e] *Ordin. lib. 9. tit. 1. L. ult. & Recopil. lib. 6. tit. 1. l. 10.*

[f] *Videsis Otolor. summ. Nobilit. part. 4 cap. 1. §. 7 prope finem.*

[g] *Ibid. pag. 282.*

Neither perhaps is the division of the other two honorary *Cavalleros* into those *De Espuela D'orada* and *los Armados*, so justifiable. For plainly the first are truly *Armados*, and the *Armados* are as truly *De Espuela D'orada*. The Creation of both being with the same Ceremonies, though their Charters differ. And it had been fitter to divide their *Cavalleros* into such as being before Gentlemen or *Hiidalgos* have received the order, and such as have had it being before *Hombres Pecheros*. But I follow and retain the same that I find in the Spanish Writers, and, because of their authority, I alter it not. The like Titles are in the Kingdoms of *Portugal*, *Navarre*, *Arragon*, as in *Castile*; and more peculiarly for their *Cavalleros* of *Navarre*, you may see *Armendariz* in his Recopilation of the Laws of [h] *Navarre*, and for those of *Portugal*, the [i] Ordinances of that Kingdom.

[h] *Lib. 2. tit.*

[i] *Ordenazones de Portugal, lib. 2. tit. 38.*

X. The Titles thus delivered; we add also something of their Laws touching the honorary *Attributes* that are to be given in subscriptions, superscriptions, and otherwise, to the Prince and the other great Lords; as also touching the setting of *Coronets* over Arms. Such swelling attributes had been induced (as it falleth out) through the reigning custom of great flattery there that by a *Prematica de los tratiamentos y Cortesias* [k] under *Philip* III. in *October* in MDLXXXVI. those attributes are thus restrained. In the Title to the Prince, he is to be called *Sennor* only; The subscription thus; *Dios guarde V. Alteza*, or *God preserve your Highness*; The superscription *Al Principe nuestro Sennor.*

[k] *Anton Herrera part. 3. de la Histor. general. lib. 2. cap. 9.* and the History of Spain, *lib. 31. pag. 1235.*

That the *Infantes* or *Infantas* shall only have the Title of *Alteza*. The salutation to be only *Sennor* or *Sennora*. The subscription as to

Spain. the Prince; the ſuperſcription *Al Sennor el Infante Don N.* or *A la Sennora la infanta Donna N.* But *Alteza* uſed abſolutely in ſpeech or writing is to be underſtood only of the Prince or Heir apparant.

That the Sons in Law and Brothers in Law of the Kings ſhall have the ſame Title that their Wives have, and Daughters in Law, as their Husbands.

That none ſhall aſſume to himſelf the attribute of *Exellenza*, or *Sennor excellent*, or *Sennoria illuſtriſſima*, nor give it to any other ſaving only to Cardinals, and to the Archbiſhop of *Toledo*, as to the Primate of *Spain*, although he be no Cardinal.

That to Archbiſhops, Biſhops, *Grandes*, and all that may ſtand covered before the King, the attribute of *Sennoria* be given, as alſo the Preſident of the Counſel Royal.

That to Marqueſſes, Earls, great Commanders of the Orders of Saint *James*, *Alcantara*, *el Calatrava*, and to the Preſidents of the other Councels and Chanceries, the Title of *Sennoria* may be given both by writing and word, and to Ambaſſadours which have place in the King's Chappel, and not to any other, unleſs it be to the chief Cities of the Realm, and to the Metropolitan Churches to whom they may give that addition, according to former cuſtom.

That all Letters from ſubject to ſubject (unleſs it be to the Prince, Infantes, or Infantas, or ſuch as have Honour by Marriage with them) the Writer begin with the matter, without any honorary attribute preceding it. And the ſuperſcription is to be, *To the Archbiſhop*, *Biſhop*, *Duke*, *Marqueſs*, or *Conde of ſuch a place*. If to inferiour men: To *Don N.* or *N.* adding his ſirname, and the dignity and office that he otherwiſe holds, which alſo may be added in the ſuperſcription to the Archbiſhops, Biſhops, Dukes, Marqueſſes and Condes.

The ſame *Pragmatica* alſo (by reaſon that Coronets over Scutcheons of Arms were uſed by divers, to whom the right of bearing ſuch Coronets belonged not) ordained that none beſides Dukes, Marqueſſes and Condes might uſe them, and they only in the accuſtomed form.

And every offender againſt this *Pragmatica* is to forfeit ten thouſand Maravedies; one third part to the Informer; another to the Judge that gives evidence againſt him, and the third to *Pios uſus*.

Some other particulars are in it; with exceptions of Titles uſed by Servants to Maſters, and Sons to Fathers. And becauſe I preſume the more curious would gladly ſee it out of the Original, I add it alſo whole here.

DOn *Felipe* por la gracia de Dios, Rey de *Caſtilla*, de *Leon*, de *Aragon*, de las dos *Sicilias*, de *Jeruſalem*, de *Portugal*, de *Navarra*, de *Granada*, de *Toledo*, de *Valentia*, de *Galizia*, de *Mallorcas*, de *Sevilla*, de *Cerdenna*, de *Cordova*, de *Corcega*, de *Murcia*, de *Jaen*, de los *Algarves*, de *Algezira*, de *Gibraltar*, de las Iſlas de *Canaria*, de las *Indias* Orientales y Occidentales, Iſlas y tierra firme del mar Oceano, Archiduque de *Auſtria*, Duque de *Borgonna*, de *Bravante*, y *Milan*, Conde de *Abſpurg*, de *Flandes*, y de *Tirol*,

rol, y de *Barcelona*, Sennor de *Vizcaya*, y de *Molina*, &c. Al Principe Don *Felipe*, nueſtro muy caro, y muy amado hijo; y a los Infantes, Prelados, Duques, Marqueſſes, Condes, Ricos hombres, Priores de las Ordenes, Comendadores, y Subcomendadores, Alcaydes de los Caſtillos, y caſas fuertes, y llanas, y a los del nueſtro Conſejo, Preſidentes, y Oydores de las nueſtras audiencias, Alcaldes, Alguaziles de la nueſtra caſa, y Corte, y Chancillerias, y a todos los Corregidores, Aſſiſtentes, Governadores, Alcaldes mayores y ordinarios, Alguaziles, Merinos, Preboſtes; y a los Concejos, y Univerſidades, Veintiquatros, Regidores, Cavalleros, Jurados, Eſcuderos, Officiales, y hombres buenos, y otros qualeſquier ſubditos, y naturales nueſtros, de qualquier eſtado, preeminencia, o dignidad que ſean, o ſer puedan, de todas las civdades, villas, y lugares, y Provincias de nueſtros Reynos y Sennorios, realengos, abadengos, y de Sennorio, aſſi a los que aora ſon, como a los que ſeran de aqui adelante, y a cada uno, y qualquier de vos, a quien eſta nueſtra carta, y lo en ella contenido toca y puede tocar en qualquier manera, ſalud, y gracia. Sepades, que aviendoſenos ſuplicado por los procuradores de Cortes de las civdades, y villas, deſtos nueſtros Reynos, en las que mandamos celebrar en la noble villa de *Madrid*, el anno paſſado de mil y quinientos y ochenta y tres, y ſe diſſolvieron y acabaron el de mil y quinientos y ochenta y cinco, fueſſemos ſervido mandar proveer de remedio neceſſario y conveniente, cerca de la deſorden y abuſo que avia en el tratamiento de palabra y por eſcrito, por aver venido a ſer tan grande el exceſſo, y llegado a tal punto que ſe ayan ya viſto algunos inconvenientes, y cada dia ſe podian eſperar mayores, ſi no ſe atajaſſe y reformaſſe, reduziendolo a algun buen orden y termino antiguo, pues la verdadera honra no conſiſte en vanidades de titulos, dados por eſcrito, y por palabra, ſino en otras cauſas mayores a que eſtos no annaden ni quitan. Y aviendoſe diverſas vezes tratado y platicado por nueſtro mandado por los del nueſtro Conſejo, y conſultado con nos: avemos acordado, proveydo, y ordenado en lo ſuſo dicho, lo que por eſta nueſtra carta y proviſion ſe declara, provee y ordena. *Spain.*

Primeramente, como quiera que no era neceſſario tratarſe en eſto de nos, ni de las otras perſonas Reales, todavia porque mejor ſe guarde, cumpla, y obſerve, lo que toca a los demas: queremos, y mandamos, que de aqui adelante, en lo alto de la carta, o papel que ſe nos eſcriviere, no ſe ponga

otro

Spain. otro algun titulo mas que *Sennor*, ni el remate de la carta mas, *de Dios guarde la Catolica perſona de V. M.* Y aſſi miſmo no ſe ponga en la corteſia de abaxo coſa alguna, mas de la firma del que eſcriviere la tal carta: ni en el ſobre eſcrito ſe pueda ponir, ni ponga, mas de tan ſolamente, *al Rey nueſtro Sennor.*

Que a los Principes, herederos, y ſucceſſores deſtos nueſtros Reynos, ſe les eſcriva en la miſma forma, mudando tan ſolamente lo de *Mageſtad* en *Alteza*, y lo de *Rey* en *Principe*, y al remate y fin de la carta, *Dios guarde a V. Alteza.*

Que con las Reynas deſtros nueſtros Reynos, ſe guarde y tenga la miſma orden y eſtilo, que con los Reyes dellos: y con las Princeſſas deſtos dichos Reynos, la que eſta dicho ſe ha de tenir con los Principes dellos.

Que a los infantes, y infantas, deſtos nueſtros Reynos, ſolamente ſe llame *Alteza*, y ſe les eſcriva en lo alto, *Sennor*, y en el fin de la carta ſe ha de poner, *Dios guarde a V. Alteza*, ſin otra corteſia. Y en el ſobre eſcreto *al Sennor Infante don N. y a la Sennora Infanta donna N.* pero quando ſe dixere, o eſcriviere abſolutamente *ſu Alteza*, ſe ha de atribuyr a ſolo el Principe heredero y ſucceſſor deſtos nueſtros Reynos. Declarando, como declaramos, que lo contenido en eſte capitulo no ſe hade entender, ni es nueſtra intencion y voluntad que ſe entienda con la Emperatriz donna *Maria*, mi muy cara, y muy amada hermana, aunque ſea Infanta de *Caſtilla*, pues eſta claro que ſe le ha de llamar y eſcrivir Mageſtad, y ponerle en el ſobre eſcrito, *a la Emperatriz mi Sennora:* y a ſus hijos hermanos del Emperador, *nueſtro muy caro y muy amado ſobrino*, ſe hara el miſmo tratamiento de palabra, y por eſcrito que eſta dicho, ſe ha de hazer a los Infantes deſtos Reynos, y tambeien a los Archiduques ſus tios.

Que a los yernos y cunnados de los Reyes deſtos nueſtros Reynos ſe haga el tratamiento que a ſus mugeres, y a las nueras, y cunnadas de los dichos Reyes, el miſmo que a ſus maridos. Y quanto al tratamiento que las dichas perſonas Reales han de hazer a los demas, no entendemos innovar coza alguna, de lo que haſta agora ſe ha acoſtumbrado, y acoſtumbra.

Que el eſtilo, uſado en las peticiones que ſe dan en nueſtro Conſejo, y en los otros Conſejos, y Chancillerias, y Tribunales: y el que ſe acoſtumbra de palabra quando eſtan en Conſejo ſe guarde, como haſta aqui, en todo lo que no

fuese

fuere contrario a eſta nueſtra carta y proviſion, excepto que en lo alto ſu pueda poner, *Muy poderoſo Sennor*, y no mas. *Spain.*

Que en las refrendadas de todas las cartas, cedulas, y proviſiones nueſtras, pongan noſtros Secretarios, *del Rey nueſtro Sennor*, en lugar *de ſu Mageſtad*: y en las refrendadas de los noſtros eſcrivanos de camara ſe haga lo miſmo.

Que en todos los otros juzgados, aſſi realengos, como qualeſquier que ſean, y de qualquier calidad y forma, ora ſe hable en particular, o en publico, las peticiones, demandas, y querellas, ſe comiençen en renglon, y por el hecho de que ſe huviere de tratar, ſin poner en lo alto, ni en otra parte, titulo, palabra, ni ſennal de Corteſia alguna: y al cerrar, y concluyr ſe podra dezir: *Para lo qual, el officio de V. S. o de V. m. imploro*, ſegun fueren las perſonas, y juezes con quien ſe hablare: y los eſcrivanos ſolamente diran: *por mandado de N. Juez*, poniendo el nombre, y ſobre nombre ſolamente: y podran tambien poner el nombre del oficio de la tal perſona, o juez, y la dignidad, o grado de letras que tuviere, y no otro titulo alguno.

Que a ninguna perſona de qualquier eſtado, condicion, dignidad, grado, y officio que tenga, por grande y preeminente que ſea, ſe pueda llamar por eſcrito, ni de palabra, *excelencia*, ni *Sennoria iluſtriſſima*, ni aſſi miſmo ſe pueda llamar *Sennoria iluſtriſſima* a ninguno, ſino a ſolos los Cardenales, y al Arçobiſpo de *Toledo*, como a Primado de las *Eſpannas*, aunque no ſea Cardenal.

Que a los Arçobiſpos, Obiſpos, y a los grandes, y a las perſonas que mandamos cubrir, ſean obligados todas las perſonas deſtos nueſtros Reynos a llamar *Sennoria*, y tambien al Preſidente del nueſtro Conſejo Real.

Que a los Marqueſſes, y Condes, y Comendadores mayores de las Ordenes de *Santiago*, *Calatrava*, y *Alcantara*, y Preſidentes de los otros nueſtros Conſejos y Chancellerias, ſe pueda llamar y eſcrivir *Sennoria* por eſcrito, y de palabra, y no a otra perſona alguna, excepto a las civdades, cabeças de Reynos, y Cabildos de Igleſias Metropolitanas, que ſe les podra llamar en ſus ayuntamientos, donde huviere coſtumbre dello, y tambien eſcrivir ſela.

Que a los Embaxadores que tienen aſſiento en nueſtra Capilla, ſe pueda aſſi miſmo llamar, y eſcrivir *Sennoria*.

Que en lo que toca al eſcrivir unas perſonas a otras generalmente, ſin ninguna excepcion ſe tenga y guarde eſte forma,

Spain. ma, Començar la carta, o papel, por la razon, o por e-negocio ſin poner debaxo de la cruz en lo alto, ni al prinl cipio del renglon ningun titulo, ni cifra, ni letra, y acabar la carta diziendo. *Dios guarde a V. S. o a V. m. o Dios os guarde*, y luego la data del lugar, y del tiempo, y tras ella la firma, ſin que preceda ninguna corteſia. Y que el que tuviere titulo, le ponga en la firma, y de donde es el tal titulo.

Que en los ſobre eſcritos ſe ponga al Prelado la dignidad Eccleſiaſtica que tuviere, y al Duque, Marques, o Conde, el de ſu eſtado: y a los otros Cavalleros, y perſonas, ſu nombre, y ſobre nombre, diziendo al Cardenal, al Arçobiſpo, al Obiſpo de tal parte. Y de la miſma manera al Duque, al Marques, al Conde de tal parte: y a los demas a *don N.* o, a *don N.* poniendo el ſobre nombre, y a cada uno de los nombrados en eſte Capitulo, ſe podra poner la dignidad, oficio, o cargo, o grado de letras que tuviere.

Que deſta orden no ſe pueda exceptar, ni excepte el vaſſallo eſcriviendo al *Sennor*, ni el criado a ſu amo, pero los padres a los hijos, y los hijos a los padres podran ſobre el nombre propio annadir el natural, y tambien entre marido y muger ſennalar el eſtado del matrimonio ſi quiſieren, y entre hermanos el tal deudo.

Que el tratamiento a las mugeres, y entre ellas miſmas por eſcrito, y de palabra, ſea el miſmo que eſto dicho, ſe ha de hazer a ſus maridos.

Que a los religioſos de las Ordenes no ſe llame, ni eſcriva ſino Paternidad, o Reverencia, ſegun el cargo que tuviere; y en el ſobre eſcrito ſe pueda poner con ſu nombre el cargo, o grado de lettras que tuviere, en las Ordenes que los uſan.

Que lo que en eſta nueſtra carta y proviſion ſe ordena y manda ſe guarde por todos en eſtos nueſtros Reynos y aſſi miſmo eſcriviendo a los auſentes dellos.

Otroſi, por remediar el grand diſorden y exceſſo que ha avido, y ay, en poner Coroneles en los Eſcudos de armas de los ſellos y repoſteros: ordenamos, y mandamos, que ninguna, ni algunas perſonas puedan poner, ni pongam coroneles en los dichos ſellos, ni repoſteros, ni en otra parte alguna donde huviere armas, excepto los Duques, Marqueſſes, y Condes, los quales tenemos por bien que los puedan poner, y pongan, ſiendo en la forma que les to-

ca

ca tan ſolamente, y no de otra mancra: y que los coroneles pueſtos haſta aqui ſe quiten luego, y no ſe uſen, ni traygan, ni tengan mas. *Spain.*

Y porque mejor ſe guarde, cumpla, y execute lo luſo dicho, ordenamos, y mandamos, que los que fueren, o vinieren contra lo contenido en eſtra nueſtra carta y proviſion, o qualquier coſa, o parte dello, cayan, y incurran, cada uno delſos por cada vez, en pena de diez mil Maravedis repartido en eſta manera. La tercia parte, para el denunciador, y la otra tercia parte para el juez que lo ſentenciare, y la otra tercia parte para obras pias, y que eſto ſe execute ſin remiſſion alguna.

Porque vos mandamos a todos, y a cada uno de vos, ſegun dicho es, que veays eſta nueſtra carta y proviſion, y lo en ella contenido, la qual queremos que tenga fuerça de ley, y prematica ſancion hecha, y promulgada en Cortes, y como tal la guardeys, cumplir, y executar en todo, y por todo, ſegun y como en ella ſe contiene: y contra ſu tenor y forma no vays, ni paſſeys, ni conſintays ir, ni paſſar en tiempo alguno, ni por alguna manera, ſo las penas en que caen y incurren los que paſſan, y quebrantan cartas y mandamientos de ſus Reyes, y *Sennores* naturales, y ſo pena de la nueſtra merced, y de los ſobredichos diez mil Maravedis a cada uno que lo contrario hiziere. Y porque lo ſuſo dicho venga a noticia de todos, y ninguno hueda pretender innorancia, mandamos, que eſta dicha nueſtra carta y proviſion ſea pregonada publicamente en nueſtra Corte, y lo en ella contenido ſe guarde, cumpla, y execute preciſſa, y inviolablemento, deſde primero dia del anno venidero, de mil y quinientos y ochenta y ſiete; y los unos, ni los otros no fagades, ni fagan ende al por alguna manera, ſo las dichas penas. Dada en ſan *Lorenço* à ocho dias del mes de *Otubre*, de mil y quinientos y ochenta y ſeys annos. *Yo el Roy*. El Conde de *Barajas*. El Licenciado *Juan Thomas*. El Licenciado don *Lope de Guſman*. El Licenciado *Ximenez Ortiz*. El Licenciado don *Pedro Portocarrero*. El Licenciado *Mardones*. El Licenciado *Ouardiola*. El Licenciado *Nunnez de Bohorques*. Yo *Juan Vazquez de Salazar Secretario de ſu Catolica Mageſtad* la fize eſcrivir por ſu mandado. Regiſtrada *Jorge de Olaal de Vergara*, Chanciller Mayor *Jorge de Olaal de Vergara*.

Spain.

EN la Villa de *Madrid*, a diez dias del mes de *Otubre*, de mil y quinientos y ochenta y seys annos, delante de Palacio y casa Real de su Magestad, y en la puerta de *Guardalajara* de la dicha villa, donde es el comercio y trato de los mercaderes y oficiales, estando presentes el Doctor don *Alonso de Agreda*, y los Licenciados *Martin de Espinosa*, y *Petro Bravo de Sotomayor*, Alcaldes de la casa y *Corte* de su Magestad, por pregoneros publicos se pregono la ley y Prematica contenida en el pliego antes deste con trompetas. A lo qual fueron presentes los *Alguaziles de Corte*, *Muxica*, *Velazquez*, y *Francisco de Oro*, y ottas muchas personas: de lo qual doy fe *Juan Gallo de Andrada*.

But this *Prematica* took not such effect, but that the former use which it endeavoured to prevent, still continued; whence it came that the same King *Philip* about IX years after quickned it with another *Prematica*, whereby, for the first offence, twenty thousand Maravedies are to be forfeited; for the second, forty thousand; and for the third eighty thousand, besides a years banishment, five miles from the Court, or from any other place where the offence shall be committed. The forfeitures to be employed as in the first *Prematica*. And such as are not able to pay the forfeitures, are for the first offence to be imprison'd ten days, for the second, twenty, and for the third, thirty; and suffer like banishment, as is before prescribed. And a special command is added that all Judges should take special care to put the *Prematicas* in execution, and to proceed *ex officio* upon them, for want of an Informer, upon pain of forfeiting the like penalties out of their own estates, and two years suspension of their offices. This was given in *Madrid* the last of *December*, in MDXCIII. and printed there by it self, the year following. A third followed for the same purpose in MDC. for the most part agreeing with the former. But in this of MDC. after the word *Calatrava y Alcantara*, follow *y Commendador Mayor de Montesa y Claveros de las dichas Ordenes de Calatrava y Alcantara y a las hijas de los Grandes, se pueda llamar y Escrivir Sennoria: y tambien a los Presidentes de los otros nuestros Consejos y Chancellerias y a los Priores, y Baylios de la orden de san Juan, y a las civdades cabezas de Reyno y a las otras que tienen voto en Cortes y a los Cabillos de Yglesias Metropolitanas donde huviere costumbre de llamarsela*; And that the Wives of *Grandes y de Cavalleros de titulo* should have the Title of *Sennoria*, in like sort as their Husbands. This is printed in the *Quaderno de las Leyes annadidas a la nueva Recopilacion que se imprimio el anno de* 1598. at *Madrid* 1610. *pag.* 53. And of the Subordinate Titles of *Spain*, hitherto.

CHAP.

CHAP. V.

I Prince of Wales. Filius Regis Primogenitus. Clytó. Etheling.

II. *Of the two antient Titles of* Earl *and* Baron *in* England; *and the names of* Ealdorman *or* Earl, *and* Thane, *used for the same dignities in the Ages before the coming of the* Normans. Subregulus, Regulus, Princeps, Dux, Dentoga, Consul, Gerefe, *in those Times.*

III. *Of the* possessions *and* Profits *belonging to the dignities of the* Saxon Ealdermen *and* Earls. *Of their Estates in their* Earldoms, *and the* Relief *then payable at their deaths.*

IV. *The* possessions *belonging to* Thanes, *or the* Tainlands *of that time: and the* Reliefs *payable at the death of* Thanes. *Of the* Feudal Title *of* Vavasor, *which after the* Normans *expressed the* Middle Thane.

V. *Of the* Jurisdiction *that belonged to the dignities of the* Saxon Ealdormen *or* Earles, *and* Thanes, *in the Territories which either denominated them, or were possessed by them.*

VI. *Of their* Jurisdiction *in the* Witenagemote, Great Councels *or* Parlaments *of that time.*

VII. *Of the Title of* Earl *after the coming of the* Normans. *Of the word* Comes *which expresses it; and the fancie that antiently attributed the reason of that Latin Title to an* Earl's *participating the* third part of the profits *of the County Court with the King.*

VIII. *Of* Earls *and* Counties Palatin.

IX. *Of the forms of the* Charters *of* Creation *of the Title of* Earl Palatin.

X. Earls, not Palatin, *but Local. Of the several* forms of Charters *of their Creation.*

XI. *Of their* Earldoms *or* Honorary possessions *and* Reliefs.

XII. *Of some testimonies that may seem to prove that the antient* Earls, *as* Earls, *had a* general power *of* government *in their Counties. A just interpretation of those testimonies.*

XIII. *Of the* girding with the Sword, *at the* Investiture *of* Earls. *And the antient use of it at* Investitures, *upon or after* Liveries, *or* ouster le mains *of* Earldoms.

XIV. *Of the* Crownets *of* Earls.

XV. *The* personal Title of Earl. Earl Marshal. *And the personal Title of* Earl Palatin *antiently used in* England.

XVI. *The Title of* Baron *used here after the* Normans. *The various use of the word; And how, for the most part, the Honorary* Barons *are expressed without the addition of it.*

XVII. *Of the* Nature *and* Creation *of* Barons, *after the coming of the* Normans, *until about the later time of King* John. *Of the number of* Knights fees *given by* William *the first.*

XVIII. *The testimonies that shew the Temporal* Barons *and* Baronies *of that time, between the coming of the* Normans *and the later time of King* John. *And of their* Reliefs.

XIX. *The beginning of* Spiritual Barons (*as* Barons *by tenure*) *under*

England.

William *the first*; *and the testimonies that likewise shew who they were in the same space of time.*

XX. *The chief passages that mention both the* Spiritual *and* Temporal *together as having place and voice in the* Parlaments, *or great* Councils, *in that space of time.*

XXI. *Of the alteration that fell on the dignity of* Barons *and on* Baronies *about the end of King* John.

XXII. *Of* Baronies *and* Barons *by* tenure and writ, *and* Barons by writ only, *after that time, until about the middle of* Richard II. *And first of the form of the* Writs of Summons *of that time.*

XXIII. *Of the several kinds of* Persons *summoned as* Barons *by those* Writs; *and most especially of the* Regular Barons, *as* Abbots, *and the like.*

XXIV. *Of discharges of the dignity, given to some* Regular Barons, *because they neither* held by Barony, *nor had their Predecessors been constantly called to* Parlaments.

XXV. *Of the Title of* Banneret, *in that notion wherein it is sometimes used as a Synonymie to* Baron.

XXVI. *Of the common opinion that supposes a* Barony *to consist of* XIII. Knights fees and a third part.

XXVII. *Of the Title of* Baron *from the middle of* Richard II. *to this day. And first of the form of* the Writ of Summons *that* creates *and* calls Barons; *and of the* Regular Barons *that were in that time.*

XXVIII. *Of* Barons *created by* Patent, *and the* forms of the Patents *of* Creation.

XXIX. *Of the Title of* Duke. *The* beginning *of it*; *The* Investiture, Ensigns, *and* Patent of Creation.

XXX. Marques. *The* first Creation *of that Title. The* Investiture, Ensigns, *and* Patent of Creation.

XXXI. Vicount. *The* first Creation *of it. The* Investiture, Ensigns, *and* Patent of Creation.

XXXII. *A short Corrollary of the Title of* Peers of the Realm *attributed to all those* Parlamentary dignities, *and of the habits proper to them. And something of other general Titles given to them. And the Title of* Earls *and* Lords *attributed to some that are not Peers.*

XXXIII. *The several notions of* Knight, Miles; *and* Chivaler *in* England. *A division of the honourary Title of* Knight *there*; *and first of* Knights Bachilers, *and of the quality of the* persons that have either Given or Received *that dignity.*

XXXIV. *Of the* Courtly Ceremonies *and circumstances antiently and of late used in giving the dignity of a* Knight Bachiler.

XXXV. *The* sacred Ceremonies *used antiently at the giving the same dignity.*

XXXVI. *The competency of possessions, by reason of which any were compellable to take this Order of Knighthood, or to fine for not taking it. Of the process that compelled them.*

XXXVII. *Of* Aid *to make the* eldest Son *a Knight.*

XXXVIII. Respects of Honour *both in the antienter and later times given to this dignity legally.*

Of

XXXIX. *Of the* Degradation *of a* Knight Bachiler.
XL. *Of* Knights Bannerets.
XLI. *Of the* Occaſion *and* Time *of the* Inſtitution *of the* Order of the Garter.
XLII. *Of Saint* George *the* Patron-Saint *of that Order. The chiefeſt teſtimonies in the Eaſtern parts, or in the* Greek *Church, concerning him.*
XLIII. *The chiefeſt teſtimonies concerning him in the Weſtern Church.*
XLIV. *A conſideration how he came to be taken for the* Patron-Saint *of the* Engliſh *Nation, and of his Feaſt day.*
XLV. *Of the figure uſually expreſſing Saint* George.
XLVI. *Of the* Order of the Bath.
XLVII. *The Title of* Baronets.
XLVIII. *Of the Title of* Eſquire.

THe ſubordinate Titles in *England* be divided here into thoſe which are from the *Prince of Wales*, to the *Baron* incluſively (as *Duke*, *Marqueſs*, *Earl*, *Viſcount* or ſuch as have place and voice in the Lords Houſe of Parlament) and ſuch as have no voice there, as *Knights* of ſeveral Orders, *Baronets* and *Eſquires*. And firſt of the firſt kind.

I. Whence the Title of *Prince of Wales*, was firſt transferred to the ſons and heirs apparant of *England*, is well enough known, but not ſo clearly when it began in them. It was transferr'd from thoſe *Princes of Wales* (of North *Wales*, eſpecially) that, in the elder times being Welſh, held the Country under the Kings of *England*, by the name of Princes. Neither was there any other beſides them to whom the peculiar Title of *Prince* was attributed, as it is a ſubordinate dignity. *Princeps Walliæ*, and *Dominus Snowdoniæ*, was their uſual Title, as we ſee eſpecially in the ſtile of [a] *Llewellin ap Gruffith*, under King *Edward* I. But it is obſervable that in the Articles of peace made between this *Llewelin* and King *Edward* I. in MCCLXXVII. (when the Title of *Prince* was to be left whole to him, but the moſt of the Territories were to be made ſubject to the King) he had the homages or Seigniories of V. Baronies about *Snowdon* reſerved to him, as if the having ſome Barons under him had been ſo neceſſary, or at leaſt ſo convenient, that otherwiſe he could not well have retained the Title of *Prince*. So is the purpoſe of the Article concerning thoſe V Baronies as *Walſingham* relates it. *Item quod omnia homagia* (theſe [b] are his words) *Walliæ remanerent Regi præterquam* V *Baronum qui in Confinio* Snowdoniæ *morabantur, quia ſe* Principem *convenienter vocare non poteſt niſi ſub ſe aliquos Barones haberet ad vitam ſuam.*

a *Regiſtr. Ms. Jo. Pecham Arch. Cant. circa extrem.* And the Hiſtory of Wales. *p.* 340.

b *Tho. Walſingham ſub anno* 1278.

But ſome place the beginning of this Title, in the heirs apparant of *England*, in the XXXIX. of *Henry* III. So *Polydor*; Edwardus *Regis filius* (ſaith he) *ut maturiùs ad res gerendas graviores expertus redderetur, fit* Walliæ Princeps *ſimulque* Aquitaniæ *ac* Hiberniæ *præfectus. Unde natum, ut deinceps unuſquiſq; Rex hoc ſeculo inſtitutum filium majorem natu* Walliæ Principem *facere conſueverit.* So ſome other of our modern Writers. And thence the *Spaniards* alſo note, that the beginning of the Title of *Principe de las Aſturias* with them, was in Imitation of this and upon a like occaſion there, as the beginning of this was in

England

England. *England*; and as that began in *Castile* upon a Marriage with an Englisſh Lady (as is before ſhewed) ſo this in *England* upon the Marriage of *Edward* (afterward *Edward* the firſt) and the Lady *Elianor* Daughter to *Alfonſo* X. of *Castile*. *Notable concurrencia* (ſaith *Salazar de Mendoza* [c] to that purpoſe) *que commençaſſe eſte titulo en Inglaterra, caſando alli Infanta de* Caſtilla, *y en* Caſtilla *caſando ella Sennora de Inglaterra.* But although *Wales* were given by the words of *unà cum* [d] *conqueſtu noſtræ* Walliæ, as *Gaſconie*, *Ireland*, and ſome other Territories recited in the Charter, to this Prince *Edward* by *Henry* III. yet I find no warrant, that therefore the ſpecial Title of *Prince of Wales*, as it belongs to the Son and heir apparant, began in him.

[c] *Origen de las dignidades de Caſtella lib.* 3. *cap.* 23.

[d] *Vide Pat.* 38. *H.* 3. *Vaſc. membr.* 8 *N.* 25. & *Floril. ann.* 1254. Item *Matth. Paris fol.* 1187. *Edit. Londin.*

Others place the beginning of this Title in *Edward* ſon and heir to *Edward* the firſt, upon that known ſtory [e] of the King's ſending for Queen *Elianor*, being with Child, out of *England* to be delivered at *Carnarvan* Caſtle. After ſhe was delivered, he ingaged himſelf (they ſay) to the *Welſh* that they ſhould have a Prince moſt free from all kind of blemiſh on his honour, and one that could not ſpeak one word of Engliſh, meaning this young Prince. And it is true indeed, that this *Edward*, Son and heir apparant of *Edward* the firſt, was afterward ſtiled *Prince of Wales*, as we ſee in the Writs of Summons of him to the Parliaments of the later times of his Father. The direction to him [f] is, *Edwardo Principi Walliæ & Comiti Ceſtriæ filio ſuo Chariſſimo.* But the firſt Charter of Creation that I have ſeen is that of King *Edward* III. to his ſon and heir apparant *Edward* Duke of *Cornwal*, about ſix years after he was made Duke, of which title more anon in its proper place. The Charter hath alſo the chief particulars of the rites of Inveſtiture, which were the Crownet or Ring of Gold, and the Rod of Silver; and with theſe he was inveſted *juxta morem*, as the words are; as if, before that time, ſuch as were Princes of *Wales* had uſually received their Principalities by like inveſtiture. But I add the whole form of the Charter.

[e] *History of Wales, pag.* 375

[f] *Dorſ. clauſ.* 30 *Ed.* 1. *m.* 12 & 7. 32 *Ed.* 1. *membr.* 2. *&c.*

[g] *Rot. Cart.* 17. *Ed.* 3. *num.* 27.

REX *Archiepiſcopis* [g] *&c. Salutem. De ſerenitate Regalis præeminenciæ, velut ex ſole radii, ſic inferiores prodeunt Principatus, ut Regiæ claritatis integritas de luce lucem proferens, ex lucis diſtributione minoratæ lucis non ſentiat detrimenta; immo tanto magis Regale Sceptrum extollitur & ſolium* Regium *ſublimatur, quanto tribunali ſuo plures ſubſunt Proceres eminenciæ clarioris. Hæc autem conſideratio condigna nos qui nominis & honoris* Edwardi *Ducis* Cornubiæ, *& Comitis* Ceſtriæ *primogeniti noſtri chariſſimi incrementum appetimus, (in quo potius nos ipſos conſpicimus honorari & Domum noſtram* Regiam, *& ſubditum nobis populum noſtrum ſperamus per Dei gratiam, ſumpta de glorioſis ſuis auſpiciis conjectura, honorifice roborari) allicit & inducit ut ipſum qui reputatione juris cenſetur eadem perſona nobiſcum digno præveniamus honore, & fæcunda gratia perſequamur! De conſilio itaque & conſenſu Prælatorum, Comitum, Baronum, & Communitatum* Regni *noſtri* Angliæ, *in generali Parliamento*

liamento noſtro apud Weſtmonaſterium *die lunæ in quindena Paſchæ proximè præterita convocato, ipſum* Edvardum Principem Walliæ *fecimus & creavimus & dictum* Principatum *ſibi dedimus & conceſſimus & per cartam noſtram confirmavimus ac ipſum de dicto* Principatu, *ut ibidem præficiendo, præſideat & præſidendo dictas partes dirigat et defendat, per* Sertum in capite, & Annulum in digito aureum, ac Virgam argenteam *inveſtivimus juxta morem, habendum et tenendum de nobis ſibi et hæredibus ſuis Regibus* Angliæ *imperpetuum, cum omnibus Dominiis et terris noſtris* Northwalliæ, Weſtwalliæ, Southwalliæ *ac Dominio, Caſtro, Villa et Comitatu de* Caernervan, *in Dominio Caſtro et Villa de* Conewaye, *Dominio, Caſtro, et Villa de* Crukich, *Dominio, Caſtro, et Villa de* Bellomariſco, *Dominio, Caſtro, et Villa de* Hardelagh, *Dominiis et Comitatibus de* Angleſye, *et* Merionith, *Dominio, Caſtro, Villa et Comitatu de* Kermerden, *Dominio, Caſtro, et Villa de* Lampadenmar, *Domino et Seneſcalcia de* Cantremaur, *Dominio, Caſtro, Villa et Comitatu de* Kardygan, *Dominio, Caſtro et Villa de* Emelyn, *Dominio, Caſtro, et Villa de* Buelt, *Dominio, Caſtro, et Villa de* Haverford, *Dominio, Caſtro, et Villa de* Monte-Gomery, *ac omnibus Dominiis terris et tenementis quæ fuerunt* Reſi ap Mereduke, *et quæ ad manus inclytæ memoriæ Domini* Edwardi *quondam Regis* Angliæ *Avi noſtri devenerunt, una cum omnibus aliis Dominiis, Civitatibus, Caſtris, Villis, Maneriis, Membris, Hamelettis, Terris, Tenementis, Feodis Militum, vacationibus Epiſcopatuum, advocationibus Eccleſiarum, Cathedralium et aliarum quarumcunque nec non Abbatiarum, Prioratuum, Capellarum, Hoſpitalium, et aliarum domorum Religioſarum, Mineris, Regalitatibus, liberis conſuetudinibus, cuſtumis, priſis, et exercitio omnis juſtificatus et Cancellariatus, homagiis, ſerviciis, redditibus, proficuis, pratis, paſcuis, paſturis, Wrecco Maris, Piſcariis, Moris, Mariſcis, turbariis, Foreſtis, Chaceis, Parcis, Boſcis, Warennis, Hundredis, Commotis, Ragloriis, Ringeldiis, Wodewardiis, Conſtabulariis, Ballivis, Foreſtariis, Coronatoriis, Reverſionibus, Feriis, Mercatis, Wardis, Maritagiis, Releviis, Eſcaetis, et ſerviciis tenentium tam liberorum quam nativorum ac omnibus aliis tam ad dictum* Principatum *quam ad nos in dictis partibus ſpectantibus quoquo modo adeo plenarie et integre ſicut nos ea tenuimus ſeu tenere deberemus, ſeu poſſemus, faciendo nobis pro dicto Principatu et præmiſſis omnibus tale ſervicium quale invenietur celebris memoriæ Dominum* Edwardum *nuper Regem* Angliæ, *patrem noſtrum dicto* England.

England. *Eto Avo noſtro pro prædictis omnibus dum ea tenuit ex conceſſione dicti Avi noſtri feciſſe. Quare volumus & firmiter præcipimus pro nobis et hæredibus noſtris quod prædictus* Edwardus *filius noſter habeat & teneat Principatum prædictum* ſibi & hæredibus ſuis Regibus Angliæ *imperpetuum, cum omnibus Dominiis & terris* Northwalliæ, Weſtwalliæ, Southwalliæ, *ac Dominio, Caſtro & Villa de* Kaernarvan, *Dominio, Caſtro, & Villa de* Conewey, *Dominio, Caſtro & Villa de* Crukych, *Dominio, Caſtro & Villa de* Bellomariſco, *Dominio, Caſtro, & Villa de* Hardelagh, *Dominiis & Comitatibus de* Angleſeye & Meryonith, *Dominio, Caſtro, Villa & Comitatu de* Kermerdyn, *Dominio, Caſtro & Villa de* Lampadervaur, *Dominio et Seneſcalcia de* Cantremaur, *Dominio, Caſtro, Villa & Comitatu de* Kardygan, *Dominio, Caſtro, & Villa de* Emelyng, *Dominio, Caſtro, & Villa de* Buelt, *Dominio, Caſtro, et Villa de* Haverford, *Dominio, Caſtro, et Villa* Monte-gomery, *ac omnibus Dominiis terris et tenementis quæ fuerunt* Reſi ap Meredith *ſupradicti, una cum omnibus aliis Dominiis, Civitatibus, Caſtris, Burgis, Villis, Maneriis, membris, hamelettis, terris, tenementis, feodis Militum, vacacionibus Epiſcopatuum, advocationibus Eccleſiarum Cathedralium, et aliarum quarumcunque, necnon Abbatiarum, Prioratuum, Capellarum, Hoſpitalium, et aliarum Domorum Religioſarum, Mineris, regalitatibus, liberis conſuetudinibus, cuſtumis, priſis et exercitio omnis Juſticiatus, et Cancellariatus, homagiis, ſerviciis, redditibus, proficuis, pratis, paſcuis, paſturis, Wrecco maris, Piſcariis, Moris, Mariſcis, turbariis, Foreſtis, Chaceis, Parcis, boſcis, Warenis, Hundredis, Comatis, Ragloriis, Ringeldiis, Wodewardiis, Conſtabulariis, Ballivis, Foreſtariis, Coronatoriis, Reverſionibus, Feriis, Mercatis, Wardis, Maritagiis, Releviis, Eſcaetis, et ſervitiis tenentium tam liberorum quam nativorum, et omnibus aliis tam ad prædictum* Principatum, *quam ad nos in dictis partibus ſpectantibus quoquo modo, adeo plenarie et integre ſicut nos ea tenuimus ſeu tenere deberemus vel poſſemus, faciendo nobis pro dicto* Principatu *et præmiſſis omnibus tale ſervicium quale invenietur celebris memoriæ Dominum* Edw. *nuper Regem* Angliæ, *patrem noſtrum, dicto Avo noſtro prædictis omnibus dum ea tenuit ex conceſſione dicti Avi noſtri feciſſe ſicut prædictum eſt. Hiis teſtibus venerabilibus Patribus.* J. Cantuarienſi *Archiepiſcopo totius* Angliæ *Primate,* R. Dunelmenſi, & R. Coventrenſi & Lichfeldiæ *Epiſcopis,* Willielmo de Bohun *Northampton.* Thoma de Bello Campo *Warwic.* & Willielmo de Clynton Huntingdon. *Comitibus,*

Thoma

Thoma Wake de Lydel, Henricus de Percie, Roberto Parnyng *Cancellario noſtro*, Willielmo de Cuſancia *Theſaurario noſtro*, Randolpho de Stafford *Seneſchallo hoſpitii noſtri & aliis. Datum per manum noſtram apud* Weſtmonaſterium, *duodecimo die* Maii. *England.*

Per ipſum Regem.

Writs alſo under the great Seal, dated the day following, were ſent to *Richard* Earl of *Arundel*, Juſtice of *Northwales*, *Gilbert* Lord *Talbot*, Juſtice of *Southwales*, and others to give him ſeiſin of the Principality. To divers alſo that had poſſeſſions in *Wales*; commanding them, *quod eidem Principi tanquam Domino ſuo de Homagiis & ſervitiis ſuis, ac omnibus aliis ad Principatum, Dominia, Civitates, Comitatus, Caſtra & alia terras & tenementa prædicta ſpectantibus, intendentes ſint & reſpondentes.* Since this Patent, this Title (which, according to the limitation, after the death of any Prince created, is preſerved in the Crown, until a new Creation) hath been almoſt to all the ſons and heirs apparant ſince that time, as alſo it was to *Richard* of *Burdeaux*, ſon and heir to the Black Prince. But the Creations have been with ſome difference, both in the Inveſtiture and in the Patents alſo, from that firſt form. Sometimes the Title of Duke of *Cornwal* and Earl of *Cheſter* are given with it, by the ſame Patent and Inveſtiture, the Rod being of Gold, as in that whereby *Henry* IV. created his ſon Prince *Henry*. *De conſilio & aſſenſu* (ſaith he) *Ducum, Comitum, Baronum, & Comitatuum Regni noſtri* Angliæ, *in inſtanti Parliamento apud* Weſtmonaſterium (it was the firſt year of his Reign) *convocato exiſtentium*, Henricum *primogenitum noſtrum Chariſſimum*, Principem Walliæ, Ducem Cornubiæ, & Comitem Ceſtriæ *fecimus & creavimus & dictos Principatum, Ducatum & Comitatum ſibi dedimus & conceſſimus, ac ipſum de iiſdem* Principatu, Ducatu, & Comitatu, *ut ibidem præficiendo præſideat & præſidendo dictas partes dirigat & defendat, per* Sertum in Capite, & Annulum in Digito Aureum, & Virgam auream inveſtimus juxta morem, *habendum & tenendum de nobis ſibi & hæredibus ſuis Regibus* Angliæ *imperpetuum*; *Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris quod prædictus* Henricus *filius noſter habeat & teneat de nobis* Principatum, Ducatum, & Comitatum *prædictos ſibi & hæredibus ſuis Regibus* Angliæ *imperpetuum ſicut prædictum eſt. Hiis teſtibus &c.* But ſince that, the Earldom of *Cheſter* only is uſually joyned with it in the Patent (and it hath been reſolved, that [l]there needs no new Creation to the ſon and heir apparant of the other Title of Duke of *Cornwal*, to which he is born heir.) As in thoſe whereby, [m] *Henry* VI. [n] *Edward* IV. and *Henry* VII. created their ſons Princes, and in other of the elder times, as alſo in that of King *James* to Prince *Henry* by which he created him Prince of *Wales* and Earl of *Cheſter* in [o] Parlament, giving him *Nomen, Stilum, Titulum, Statum, Dignitatem & Honorem Principatus & Comitatus eorundem*, and inveſting him (ut ibidem præficiendo præſideat & præſidendo dictas partes dirigat & defendat) *per cinctur am Gladii traditionem & poſitionem Serti in Capite, & Annuli aurei in Digito, necnon Virgæ aureæ in Manu, ut moris eſt*, habendum ſibi & hæredibus ſuis Regibus *Angliæ* imperpetuum. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris quod prædictus *Henricus* filius noſter

l *Coke Rep. 8. le Princes caſe & le Caſe de Duche de Cornovaile London 1613.*
m *Vide* Rot. *Parl. 3. Hen. 6 num. 48.*
n *Cart. 11 Ed. 4. n. 1. & 15. & Rot. Parl.*
o *Pat. 8. Jacobi Regis part. 9. num. 17.*

England. noſter habeat Nomen, Stilum, Titulum, Statum, Dignitatem & Honorem *Principatus* Walliæ, & *Comitatus* Ceſtriæ prædictum ſibi & hæredibus ſuis Regibus Angliæ, *ut prædictum eſt. Hiis teſtibus &c. & aliis in Parliamento noſtro apud* Weſtmonaſterium *convocatis & præſentibus.*

The Earldom of *Cheſter* was once alſo a Principality, erected into that Title by Parlament in [p] XXI. *Rich.* II. wherein it was alſo ordained that it ſhould be given only to the King's eldeſt ſon. But that whole Parlament was repealed by the [q] firſt of *Henry* IV. although the Earldom hath uſually been ſince given with the Principality of *Wales.*

p 21. *Rich.* 2. *cap.* 9.

q 1. *Hen.* 4. *ca.* 3

Beſides the Title of *Duke of Cornwal*, and *Earl of Cheſter*; in *England*, the Titles of *Duke of Aquitain*, and [r] *Earl of Ponthieu* and [s] *Monſtroile*, and *Duke of* [t] *Normandy* in *France*, have been at ſeveral times, before that Creation of the Black Prince into the Title of *Prince of Wales*, ſetled on ſome of the ſons and heirs apparant, who were ſtiled alſo by the Title of *Filius Regis Primogenitus*, which they had only when none of the other Titles were fixed on them, as they have had it alſo with their other Titles in the later and preſent ages.

r Pat. 19. Ed. 2. part. 1. m. 25.
s *Ibidem.*
t *Polidor. in Hen.* 1.

But what we have hitherto ſpoken of the ſon and heir apparant's Title, concerns only the times ſince about the coming of the *Normans.* For in the *Saxon* times that preceded them, both the eldeſt and the reſt of the King's ſons were called often *Clitones* and [u] *Clitunculi*, as it is conceived, from Κλυτὸς, that is, *Illuſtrious.* For in thoſe times the affectation of making words out of that little Greek they had, was frequent here in *England.* As in that reformation of the Order of *Benedictines* [x] by King *Edgar* in DCCCCLXVI. in the ſubſcription; after the King and the Archbiſhop of *Canterbury*, we have ✠ *Ego* Eadmond Clito *legitimus præfati Regis filius Crucis ſignaculum infantili florens ætate manu propria indidi.* And ✠ *Ego* Eadweard *eodem Rege* Clito *procreatus præfatam patris munificentiam Crucis ſigno conſolidavi.* And in an original Charter of King *Ætheldred* to the Abbey of Saint *Albans*, of Lands in *Northtune* in *Rodanhangron* and elſewhere; after the Archbiſhop of *York*'s ſubſcription, follows ✠ *Ego Æthelſtan filius Regis cum fratribus meis Clitonibus adplaudens conſenſi.* It is dated in MVII. Divers ſuch more occurr in the Charters and other memories of thoſe times. *Ætheling*, *Atheling*, or *Adeling* alſo was then uſed in the ſame ſence, in *Saxon*; and in the ſame ſence alſo, the uſe of it continued into the age of *Henry* the firſt. That of *Edgar Etheling* is obvious in all our Annals of thoſe elder ages. And *Robert* of *Gloceſter*, that wrote about *Edward* the firſt, thus of it in the Hiſtory of [y] King *Harold.*

u *Roger de Hoveden part.* 1. *pag.* 436. *Edit. Francof.* & videſis *Ethelweard lib. cap.* 13. & 18. & *lib.* 4. *cap.* 3. & 4. *Flor. Wigorn. ſub annis* 748. 761. 784. 901. 1016. & 1017. & *Hen. Huntingdon. Hiſt.* 6 *pag.* 1363. *Edit. Francof.* &c.

x *Ms. in Biblioth. Cotton.* & Typis edit. *in Notis ad Eadmerum pag.* 159.

y *Ms. in Biblioth Cotton. In Rege Haraldo* Vide item *Leg. Athelſtani. R. pag.* 71. & *Canuti cap* 55.

The gode tyde wemen of the Londe wolde aabbe ymade King.
The kind eir, the yeung child Edgar Atheling.
Wo ſo were next King by kunde me cluped him Atheling.
Therboze me cluped him ſo; boz by kunde he was King.

And *Gulielmus Adelingus quem Anglici Regni legitimum hæredem arbitrati ſunt*, is remembred in *Ordericus* [z] *Vitalis*, for the ſon and heir of *Henry* the firſt. This *Atheling* is in another place of the ſame Author, from the ſame reaſon, called [a] *Gulielmus Adelinus Henrici Regis Anglorum filius*, which form of expreſſion of *Etheling* is often, but corruptly,

z *Eccleſ. Hiſtor. lib.* 12. *pag.* 869. B.

a *Ejuſdem Hiſt. lib.* 4. *pag.* 522. B.

in

in the same Author when he speaks of *Edgar Ethling*. And to this purpose, that of an old Writer, among the Laws of *Edward* the Confessor, is specially observable. *Rex* Edwardus Edgarum *secum retinuit & pro filio nutrivit. Et quia cogitavit ipsum hæredem facere nominavit* Ethelinge *quod nos* (it seems the Writer was of *France*) *Domicellum, i.e.* Damoisel. *Sed nos indiscretè de pluribus dicimus, quia Baronum filios vocamus* Domicellos. *Angli verò nullos nisi natos Regum. Quod si expressiùs volumus dicere, in quadam regione Saxonica* Ling, *imago dicitur,* Æthel *Anglicè* nobilis *est; quæ conjuncta sonant nobilis imago. Unde etiam Occidentales Saxonici, scilicet Excestrenses habent in proverbio summi despectus,* Yinderling, *i.e. omni honestate devecta, vel recedens imago.* This we cite here as it is truly published in *Lambard's* Edition of the *Saxon* Laws. The same passage is very corruptly printed in *Roger* of [b] *Hoveden*, and by this may be justly mended. But for the reason of the name of *Etheling* here given; it is true, for so much as concerns Æthel interpreted by *Nobilis*. There is no doubt but Æþel in *Saxon*, so signifies. Whence *Athala* is turned by *Nobilissima* [c] and *Ethelingey* by *Nobilium Insula* [d] in old Writers. But for that of making the last termination from Ling, that should signifie *imago*; without question it is a gross mistaking. From Æþel, Æþeling is made as a patronimick from a primitive, and as *Oiscing, Uffing, Esing*, from *Oisc, Uffe*, and *Ese* in *Bede* and *Ethelwerd*, to denote such as descend from *Oisc, Uffe*, and *Ese*. And, by the same Analogy, *Merovingi* and *Carolingi*, are often used for the posterity of the old French Kings. And so literally, Æþeling is but *nobilis ortu, generosus, & γενὴς* or one born of him that is Æþel or Noble. And, for Excellency, it was thus absolutely given to the Sons of the Kings of *England*, especially in the later times of the *Saxons*. For in their elder times *Nobilis* as it denoted every Gentleman was understood by it. For *cum cunctis gentis suæ Nobilibus* in [e] *Bede*, is turned by King *Alfred*, mid eallum Æþelingum his þeode, that is, *with all the* Ethelings *of his Nation* or *People*. And in divers other places of *Alfred's* translation of *Bede*, *Nobilis* is in like manner turned. But for the later times of the *Saxons*; *William* of *Malmesbury* fully clears it. *Fili Regum* [f] *Anglorum à Patribus Patronymica sumpserunt, ut filius* Eadgari Eadgaring, Edmundi, *filius* Edmunding *vocentur, & cæteri in hunc modum. Communiter verò* Ethelingi *dicuntur.* We add here, that in the Laws of *Howel Dha*, King of *Wales*, where mention is of the heir apparant there, whom they called Yrchyphad, which is interpreted also by *Etheling* or *Edling* being but the same. Yrchyphad, *i.e. Edling* (so are the words in my Copy) *& qui post Regem habet succedere, præ omnibus qui sunt in Curia post Regem & Reginam honorabitur. Iste erit vel filius ejus vel frater ejus. Locus ejus est in Aula ultra ignem in oppositio Regis. Inter hæredem & columnam primo loco habet Judex sedere*, secundo loco [g] Offeirad teulu, *ex altera parte hæredis*, Penbert [h] *Patriæ, post hunc ex illa parte nullus potest debitum sibi Locum vindicari. Pretium hæredis est equale pretio Regis, tertia parte ablata.* For *Etheling* see also the next Section of this Chapter.

The Crownet and the rest of the habits of State of the *Prince of Wales*, as also of the rest of the Titles of *England* (as they are at this day and long time have been fashioned and used) are by pictures and otherwise represented in divers that have purposely written, in their ways, of these dignities. And because the pictures of them best express them, we have taken care to have them inserted in the places due to them, as we here represent that of the *Prince* of *Wales*.

England.

b *Annal. part.* 2. *pag.* 608. *Edit. Francof. lin.* 53.

c *Encom. Emmæ pag.* 176.

d *Hoved. part.* 1. *pag.* 252 *Edit. Francof. & videsis Philip. Cluver. Germaniæ Antiquit. lib* 1. *cap.* 15.

e *Hist. Eccles. lib* 2. *cap.* 14. *l.b.* 3. *cap.* 1. *&c.*

f *De gest. Reg. lib.* 1. *cap.* 3.

g i.e. *Sacerdos familiæ*, or the chief Chaplain of the Houshold.

h *Cant. Britannicus.*

England.

PRINCEPS WALLIAE

II. For thoſe other Titles, to the *Baron* incluſively; ſome of them have had their Original long ſince the coming of the *Normans*; others of them are alſo (though under various names) in the Ages that precede the *Normans*. And from thoſe ages, their Original muſt be deduced.

We firſt here conſider them that have the antienter Original. They are thoſe two of *Earl* and *Baron*. And of Earldoms and Baronies it was wont to be ſaid that the Kingdom was [h] compoſed; as, according to the example of the Weſtern Kingdoms, that of *Jeruſalem* alſo was [i] after the holy wars. And firſt of the *Earls* and *Barons* as we find them before the ſetling of the *Norman* Monarchy in *England*.

[h] *Bract. lib. 2. cap. 34. §. 1.*
[i] *Sanut Torſell. ſecret. Fidel. part. 7. lib. 3. cap. 1.*

For the time of the *Britons*; we have not teſtimonies that are of credit

credit enough to ſhew us ſufficiently what Dignities were then proportionable to theſe two. There were *Reguli* (as the Latin Stories call them) ſubject to the Britiſh Kings, and theſe had the government of Provinces, as the Earls or *Ealdormen* afterward under the *Saxons*. One *Gorong* was thus, under King *Vortigern*, a *Regulus* or Governour of *Kent*, as others were under him in the reſt of the Iſland: *In Cantia* (ſaith *Malmesbury*) *omnis juſtitia ſub cujuſdam* Gorongi *laborabat regimine qui tamen ſicut omnes Reguli inſulæ* Vortigerni *ſubſternebantur Monarchiæ*. That Province or Shire was given by *Vortigern* to *Hengeſt*, who, at firſt, held it under the King, and was *Primus Conſul & Dux de* Germania, *gentis* Anglorum, as [k] *Ethelwerd* ſays of him. *England.*

k *lib* 2. *cap.* 2.

But in the following Ages, under the *Saxons*, the ſubordinate Titles of Temporal Honour, were that of *Etheling*, *Ealdorman*, and *Thane* or *Thegen*. That of *Etheling* was ſometimes, I think, called alſo *Eorle* (the ſame that ſince is written Earl) which ſignified as much as *Honourable*, *puiſſant*, or *Mighty* (as [l] ſome ſay) and came into *England* with the *Danes*. In their language to this day Erlig is Noble or Honourable, as Erlig Radman, for *Nobilis Decurio* in Saint [m] *Mark*. But afterward, the word *Ealdorman* growing out of uſe (as it denoted the next dignity to *Etheling*) this of Earl was attributed to the ſelf-ſame perſons that before had the dignity of *Ealdorman*. And *Ealdorman* (which now is written *Alderman*) was transfer'd to divers others of leſs note which remain frequent among us to this day. And this application of the word Earl began in the later age of the *Saxons*. But of this, more largely. The juſtification of it will be the bettter had, if we ſufficiently interpret this piece of the old Law of King *Athelſtan*. In a Chapter Be penum or *of Weregilds*, or concerning the divers prices of blood of men ſlain, the degrees both of Spiritual and Temporal Titles, and Offices, with theſe prices, are thus reckoned.

l See *Camd. in his Remains.*

m *Cap.* 13. *verſ.* 43.

Ærcebiſceopes ⁊ Eorles peregild bið XV M þrimſa ⁊
Biſceopes ⁊ Ealdormannes VIII M.
Holdes ⁊ Hehgerefan IV ðúſenda ⁊
Merſcþegnes ⁊ þeoldeðegnes II M ðrimſa.

That is, *the Weregild of an Archbiſhop and of an Earl, is* XV M *Thrimſaes* (a *Thrimſa* I take for the third part of their ſhilling) *Of a Biſhop and an Ealdorman* VIII. M. *of a Holde, and of a Highgereeve* IV. M. *of a Maſſe-thane, and of a World-Thane* or *a Temporal Thane* II M. That of Eorle here, is indeed in the old Latin tranſlation of the *Saxon* Laws, which we have in *John Brampton* his Manuſcript hiſtory, turned by *Comes*, as if it had then ſignified as afterward it did and now it doth. But I can ſcarce doubt but that, about *Athelſtan*'s time, it was received into Engliſh as a Synonymie to *Etheling*, and ſo denoted here the ſons and brothers to the King, and not an Earl, as that word ſince, and to this day hath ſignified the ſpecial dignity known by that name. For, though an *Ealdorman*, were afterwards ſtiled an Earl, and ſo there were a kind of identitie between thoſe two titles, yet at this time, when *Eorle* was diſtinguiſhed from it, and ſo far above it, as we ſee in that account of the *Wergilds*, nothing but *Etheling* could be underſtood by it; if at leaſt we take the meaſure of thoſe times, by what we find in the memories that remain of them. And I am the rather alſo perſwaded to think thus, becauſe in the Laws of King *Knont*, the Archbiſhop is expreſly joyned with the title of *Atheling*, as the Biſhop with that of

Ealdormen

England. *Ealdorman* (according as it is here alſo) and that in a matter of like nature.

n *Leg. Canut. cap.* 54. Gif hpa (ſay thoſe Laws) apcebiſceoper boph oppe æþelinger boph abiece. gebete þ mid ðriym punðum ⁊ Gif hpa leoðbiſceoper oþþe Ealðopmanner boph abiece. gebete þ mid tpam punðum, That is, *If any man do againſt his faith given to an Archbiſhop or to an Etheling, he ſhall be fined three pounds; if to a Biſhop or Ealdorman two pounds.* And that tranſlation of *Earl* into *Comes*, in *Athelſtan*'s Laws, I conceive, proceeded from the ignorance of them that, after the *Norman* Monarchy, in their turning the *Saxon* Laws, thought that *Earle* was uſed for *Comes* in *Athelſtan*'s time, becauſe it was ſo afterward, and in their own times. That kind of fault is moſt common. And upon the like reaſon alſo, the *Ealdermen* of thoſe elder ages of the *Saxon* times, are ſometimes miſcalled by the name of *Earls*, becauſe thoſe of the later time were ſtiled ſo, when that of *Ealdermen* was grown wholly out of uſe, as to this purpoſe. And of *Etheling* or *Clyto* enough is already ſaid. Now for *Eoldermen*, which are joyned with Biſhops in that of King *Athelſtan*, and are uſually called *Aldermanni* in the old Latin tranſlations of the *Saxon* Laws, they were ſuch as had Provinces or Counties or other Territories under their government. And they are moſt frequently mentioned in the Teſtimonies of thoſe times, but by various names. The word *Ealdorman* is literally but as *Senior* or *Senator* in Latin. But they were alſo called ſo (ſaith ° an old author) *Non propter ſenectutem, cum quidam adoleſcentes eſſent, ſed propter ſapientiam.* The name is ſometimes expreſſed by *Subregulus* and *Regulus*, ſometimes by *Patricius*, *Princeps*, *Dux*, and in *Saxon* alſo by Þeþetoga; By *Comes* alſo and *Conſul*; nor is it without example that they are called *Reges*. King *Alfred*, and *Æthelfred Ealdormen* of *Mercland* joyn in a Grant to the Church of *Worceſter*, wherein, both in the body of the Grant, and in the ſubſcriptions, *Æthelfred* is p called *Subregulus* and *Patricius Merciorum*. So ✠ *Ego Eanbert Regulus* ✠ *Ego Ubtred Regulus* are among the ſubſcriptions to one of King *Offa*'s Charters to the Church of *Worceſter*. Other like examples are though they occurr not very often. But that of *Princeps* is moſt frequent for *Ealdorman* both in the Charters of the Kings of that time, and in the ſubſcriptions to thoſe Charters and to other Inſtruments; as alſo is the title of *Dux*. Sometimes divers together ſubſcribe by the name of *Dux*, ſometimes by the name of *Princeps*, and ſometimes both titles ſeverally occurr for perſons of the ſame dignity in the ſubſcriptions of the ſelf ſame Charter. The faſhion of their ſubſcriptions you may ſee in *Ingulphus*, and in the notes on *Eadmerus*, and ſpecially in the frequent exemplifications of *Saxon* Charters that are in the Tower of *London*. And ſome examples are in what is anon brought to other purpoſes. But though *Princeps* in the ſingular number were ſo proper to every of them (at their pleaſure) yet the plural *Principes* is often applied comprehenſively to others q alſo of leſs yet ſpecial eminency, as *Thanes*, and ſuch more that were *viri primarii*. The expreſſions of the old Writers of Stories after the *Norman* times ſhew that uſe of the word, and ſo do divers Teſtimonies of the *Saxon* times. Þeþetogaꝛ occurrs but rarely for them. *Alfhere*, *Ealdorman* of *Mercland*, ſo known in the *Saxon* Stories, is r called Ælfheꝛe Mercna Þeþetoga by *Oſwald* Archbiſhop of *Canterbury*, in a *Saxon* Charter to the Church of *Worceſter*. So *Hengiſt* and *Horſa*, are called Þeþetogan in a *Saxon* s Annal. And this title it ſeems ſignified them as they had military power, or as *Duces* in the more proper and antient

o *Apud* R. *de Hoveden. pag.* 60. *Ed. Francof.*

p *Cod. Wigorn. Eccleſ. pag.* 18. & *Ms. & pag.* 23.

q Videſis *Hen. Huntingdon. lib.* 6. *pag.* 364. *Ed. Francof.* &c. Vide porro cartam *Æthelulphi Regis apud Malmesb. de geſt. Reg. lib.* 2. *cap.* 2. & *Ingulph. pag.* 872 *Ed. Francof.*

r *Cod Wigorn. b. Ms. pag.* 71.

s *Ms. ſub Anno* 445.

antient ſence doth. And the Title of *Ealdormen* denoted their civil dignity in ſuch ſence as *Senator*, *Senior*, or *Seigneur* hath done through many ages in moſt parts of *Europe*. Both the words thus occurr in the *Saxon* Pſalms, Ealdormannum Juda Heretogan heapa, Ealdormannum Zabulon ⁊ Ealdormannum Neptalim, for that of holy [t] *David*, *Principes Juda, Duces eorum, Principes Zabulon & Principes Nepthalim.* And divers other paſſages are in the *Saxon* Evangeliſts and Pſalms, where thoſe titles are thus uſed. The title of *Comes* and *Conſul*, for an *Ealdorman* of that time, are moſt obvious in *Florence* of *Worceſter*, *Huntingdon*, *Hoveden*, and others who either tranſlated their Annals out of *Saxon*, or took them from tranſlations. For where they have *Comes* or *Conſul*, the *Saxon* Annals have commonly *Ealdorman.* And *Alfric* in his lives of the Saints turned into *Saxon*, to expreſs that of Saint *George*, that he was *Comes Cappadociæ*, ſaith that he was [u] Ealdorman on þæp ceýpe Cappadocia: *an Ealdorman of the Shire* or *County of Cappadocia.* But the word *Comes* is but rare in the Additions that occurr in ſubſcriptions to the Charters of the *Saxon* times, until after the beginning of King *Canutus.* [x] Till about that time *Dux* or *Princeps* is moſt uſually in them for *Ealdorman.* Yet ſometimes it occurrs alſo among thoſe antient additions. In a Charter of King *Ethelbert* to the Church of *Canterbury*, (if we believe the [y] authority) in DCV. *Hocca Comes* and *Graphio Comes* are mentioned in the ſubſcriptions. In that of King *Ethelbald* of *Mercland* alſo, for the foundation of the Abbey of *Crowland*, as it is in *Ingulphus*, we read [z] ✠ *Ego Egga Comes Lincolniæ conſilium dedi.* ✠ *Ego Leucitus Comes Leceſtriæ aſſenſum præbui.* ✠ *Ego Saxulphus filius Saxulphi Comitis corroboravi.* This was in the year DCCXVI. But alſo in an original [a] Charter of that King *Ethelbald*, made ſome fourteen years after, he gives land to one *Cyniberht* by the name of *Comes*, and yet calls him alſo *Dux* and *Comes.* And ſome *Ealdormen* of the time ſubſcribe alſo to the ſame Charter, by the title of *Comes.* The Charter is as antient as any original that I have ſeen perfit, and is not unworthy to be wholly inſerted here.

England.

[t] *Pſal.67.verſ.27.vide item Pſal.21.Saxonice & Luc.9.verſ.22*

[u] *Ms. de vitis Sanctorum Sax.tit.13.*

[x] *Videſis Ingulp pag.893. Ed.Fr.*

[y] *Apud Joſceslin. Abb. Futur. in vit. Arch. Cant. Ms. in extremo.*

[z] *Ingulphus p.852. Ed.Fr.*

[a] Compactum eſt iſthoc diploma *cum Pſalterio Latino Saxon. Ms. Anno* 730. in Bib. Cotton.

✠ *Ego* Æthilbalt *Domino donante Rex non ſolum* Marcerſium, *ſed & omnium provinciarum quæ generali nomine* Sutangli *dicuntur pro remedio animæ meæ & relaxatione piaculorum meorum, aliquam terræ particulam, id eſt,* X *caſſatorum venerando* * Comite *meo* Cyniberhte *ad conſtruendum cœnobium in provincia cui ab antiquis nomen inditum eſt* Huſmerae *juxta fluvium vocabulo* Stur *cum omnibus neceſſariis ad eam pertinentibus cum campis ſylviſque, cum piſcariis, pratiſque in poſſeſſionem Eccleſiaſticam benigne largiendo trado, ita ut quamdiu vixerit poteſtatem habeat tenendi ac poſſidendi cuicunque voluerit, vel eo vivo vel certe poſt obitum ſuum relinquendi. Eſt autem ſupradictus ager in circuitu ex utraque parte ſupra nominati fluminis, habens ex aquilone plaga ſylvam quam nominant* Cynibre, *ex occidentale verò aliam cui nomen eſt* Moerheb *quarum pars maxima ad præfatum pertinet agrum. Si quis autem hanc donationem violare temptaverit, ſciat ſe in tremendo examine tyrannidis ac præſumptionis ſuæ Deo rationem terribiliter redditurum. Scripta eſt hæc cartula Anno ab Incarnatione Domini noſtri Jeſu Chriſti ſeptingenteſimo triceſimo.*

* *Pro* Comiti; *ut* donatione *pro* donationi *&c inferius.*

✠ *Ego* Ædilbalt *Rex* Britanniæ *propriam donationem confirmavi . . . . ſubſcripſi.*

✠ *Ego* Vvor *Epiſcopus conſenſi & ſubſcripſi.*

✠ *Ego*

England. ✠ *Ego* Vuilfridus *Epiſcopus jubente* Æthilbaldo *Rege ſubſcripſi.*
✠ *Ego* Æthilric Subregulus *atq;* Comes *Glorioſiſſimi Principis* Ethilbal *huic donationi conſenſi & ſubſcripſi.*
✠ *Ego* Ibracſi *indignus Abbas conſenſi & ſubſcripſi.*
✠ *Ego* Heardberht Frater *atque* Dux *præfati Regis conſenſi & ſubſcripſi.*
✠ *Ego* Ebbella *conſenſum meum accommodans ſubſcripſi.*
✠ *Ego* Onoc Comes *ſubſcripſi.*
✠ *Ego* Oba *conſenſi & ſubſcripſi.*
✠ *Ego* Sigibid *conſenſi & ſubſcripſi.*
✠ *Ego* Bercol *conſenſi & ſubſcripſi.*
✠ *Ego* Ealduuft *conſenſi & ſubſcripſi.*
✠ *Ego* Cuſa *conſenſi & ſubſcripſi.*
✠ *Ego* Pede *conſenſi & ſubſcripſi.*

b Proager. *Eſt autem* [b] *agrum in memorata ſilva* Moreb *cui vocabulum eſt* Brochil *quem Ego* Edilbalt *Rex* Sutanglorum * *Fidele Duce atque Comite meo* Cyniberhite *in jus Eccleſiaſticum cum ſupradicto agro largiendo donavi.*

* Fideli, &c.

Some other teſtimonies of *Comes*, in this ſence, are found in antienter times; as in *Aſſerius Mennevenſis* eſpecially that lived under King *Alfred*, and in *Ingulphus*. And *Alfere Merciorum Comes*, is remembred in a Leaſe for three lives, made to one *Alſric* by *Oſwald*, Biſhop of *Worceſter*, [c] in DCCCCLXIII. But how either this of *Comes* or that of *Dux* came into uſe here from the *Romans*, may be underſtood from that which is already declared touching thoſe titles in the Empire. For the title of *Rex* attributed to *Ealdormen*; *Ethelred Ealdorman* of *Mercland*, under King *Alfred*, is called ſo by [d] *Ethelwardus*, and his Ealdordom or Earldom is *Regnum* in *Florentius* and pice alſo, which is the ſame, in ſome *Saxon* Annals. But although the title of *Ealdorman* and *Comes*, with thoſe other names then ſo expreſſed this dignity of them that had Provinces committed to them either in feudal right or otherwiſe (which is anon more largely ſhewed) yet both the name of *Comes* and *Ealdorman* were alſo otherwiſe communicated. *Comes* ſometimes denoted men of an Officiary dignity or Counſellors of State only, or perſonal Counts whom they uſually called (as I think) ȝeriþeſ or ȝeriþemonneȝ, that is *Socii* or *Comites* literally. It may be that *Comes* may ſignifie ſo in that Charter of King *Ethelbald* before inſerted where it is joyned with *Dux* and *Subregulus* as if it meant different titles. Perhaps alſo *Comes*, as in other Countries, ſometimes ſignified diverſly otherwiſe. And *Ealdorman* deſigned an Officiary dignity ſometimes of greater eminency than the common title of *Ealdorman*, as, on the other ſide, in the later times we ſee it ſignifies, and many ages hath ſignified ſuch alſo, as are far beneath the antient notion of it. But the ſubject matter or addition to the word, ſhewed the notion wherein it was uſed. For the purpoſe; among the miracles of *John* Biſhop of *Hexam*, about DCC of our Saviour, *Bede* hath this [e] title. *Ut Conjugem* Comitis *infirmam aqua benedicta curaverit.* For *Conjugem Comitis*, the *Saxon* tranſlation of * *Bede*, which was done by King *Alfred* hath ȝeriþmonneȝ wiꝼ or *the wife of a Geſithman*; and in the body of his ſtory, for *villa erat Comitis cujuſdam qui vocabatur Puch*, the *Saxon* is þæȝ ſumeȝ ȝeriþeȝ Tun ȝe þæȝ Puh hæten, or *there was a Town of a Geſith called Puh.* And through that whole Chapter ȝeriþe interprets *Comes*. And in the title of the next Chapter, *Puer Comitis* is ȝeriþmonneȝ cniht and

c Cod. Wigorn. Ms. pag. 63.

d Lib. 4. cap. 3.

e Hiſtor. Eccleſ. lib. 5. cap. 4. & 5. & vide cap. 10. & lib. 3. cap. 14. & lib. 4 cap. 22. &c.

* Ms.

Eccleſiam

Ecclesiam Comitis vocabulo Addi, ȝerıþeſ Cıncean ꝛe þæt hæten *Addi*. Divers other places are in that translation where *Comes* is turned by ȝerıſe as Æþelſpeoweſ ȝerıþ þæt cyninȝeſ *Comes Edilred Regis*, and such more. But the word *Comes* there is never turned into *Ealdorman*. But where *Bede* speaks of *Principes*, *Duces*, or *Subreguli*, there the *Saxon* hath always *Ealdormen* as it hath also sometime for *Majores natu* which was a phrase perhaps used by *Bede* literally to interpret *Ealdorman*. *Bede*'s words [f] are *Rex suis Ducibus ac Ministris interpres verbi extit cœlestis*, speaking of King *Oswald*. The *Saxon* there calls the *Duces & Ministri* hıȝ Ealdopmannum onꝺ hıȝ ꝺeȝnum or his *Ealdormen and his Thanes*. Other such examples are in him. And where, in the same Chapter he says *misit ad majores natu Scotorum* meaning the Chief Lords, the *Saxon* turns þa ſenꝺe he to ſcotta Ealdopmannum, *he sent to the Ealdormen of Scotland*. Now for *Ealdorman* signifying an Officiary dignity of greater eminency than the common notion of it in those times, observe but this old inscription [g] antiently at *Ramsey* Abbey. It is of one *Alwin* that, being of the blood, was *Ealdorman* of all *England*, under King *Athelstan* and founder also of that Abbey.

England.

[f] *Hist. r. Eccles. lib. 3. cap. 3. & vide lib. 1. c. 13*

[g] *Histor. Ramsey. apud Camd. Brit. pag. 308.*

HIC REQUIESCIT AILWINUS INCLITI REGIS ÆDGARI COGNATUS, TOTIUS ANGLIÆ ALDERMANNUS, ET HUJUS SACRI COENOBII MIRACULOSUS FUNDATOR.

Obiit anno Chro 992. *Cod. Ramseiensis in Archivis Scaccarii.*

This could not but mean that he was somewhat like the antient Chief Justice of *England*, or Chief director of the affairs of the whole Kingdom, or *totius Angliæ Vicedominus*, or *Princeps*, as *William Fitzosberne* [h] Earl of *Hereford*, and *Odo* Earl of *Kent*, were to King *William* the first, and some others to some succeeding Kings. Whence it is also that in a History of *Ramsey*, he is stiled *Regiæ dignitatis Consors*, as some others [i] also were in the *Saxon* times, that is, as they called it, eþen hlɛꝺan þæpe Cynelicam peopꝺneſſe. And, as some say, this *Ailwin* was called also **Halfkoning**, or *half King*. And indeed One History of *Ramsey* [k] which we use speaking of his Father *Athelstan* that was *Ealdorman* of the *Eastangles*, says that *ipsi Regi* (he means also King *Athelstan*) *adeo officiosa erat ejus sedulitas, ut ad arbitrium ipsius cuncta regni negotia tractarentur. Idcirco ab universis* Æthelstanus, **Halfkoning**, *quod est semi-rex dicebatur*. And in another book of *Ramsey*; *Fuit in diebus* Athelstani *Regis quidam dux Orientalium Anglorum* Æthelstanus **Halfkineg**, *i. e. semirex*. Where [l] he hath by his wife the Lady *Alfwen* IV sons, *Ethelwold*, *Alfwold*, *Ethelsi* and this *Alwin*, who was also before he died *Ealdorman* of all or most part of his Father's Ealdordom, and, by all probability, having like power with the King as his father, or like place in State, was called therefore *totius Angliæ Aldermannus*. He was also *Ealdorman* of *East England*, or of *Northfolk*, *Suffolk*, *Cambridge* shire, and some other adjacent parts.

[h] *Videsis Guil. Malmesb. de gest. reg lib. 3. pag. 111. Ed. Fr. & lib. 4. pag. 120. Item Hovedenum ead. edit. pag. 450. Flor. Wigorn. An. 1057. Orderic. Hist. Eccles. lib. 4. pag. 506, & 537. & Huntingdon lib. 6. pag. 371. Edit. Franc.*

[i] *Bed. Hist. Eccles. lib. 3. cap. 14. &c.*

[k] *Ms. in Biblioth. V. C. & doctissimi Hen. Spelmanni Eq. Aurati.*

[l] *Historiola Ms. de Comitibus & Ducib. Orient. Angl. in Codice Ramseiens. in Archivis Scaccarii pag. 217.*

The title of *Ealdorman*, continued for those *Duces*, *Principes*, *Comites*, *&c.* until about MXX after our Saviour or the Reign of *Canutus*. But, about that time, the word Eorle, by which the *Danes* called men of like dignity, was attributed to them; and the *Saxon Æthelings* were no longer stiled Earls, as by a synonymie. And the word *Ealdorman* in the former sence soon grew out of use. But that of *Eorle*,

England. was antienter in that ſence among the *Danes*. For where the *Saxon* Annals, [m] written in the Language of that time, ſpeak of ſuch as, being of the *Daniſh* part, are *Comites*, or *Duces* in *Florentius*, *Huntingdon* and others (and that in the ages long before M. after our Saviour) they call them Eorler: as Sidroc Eorl ye alda Sidroc Eorle ye gioncg, ⁊ Orbern Eorl ⁊ Frcona Eorl ⁊ Dapolb Eorl in DCCCLXX which is juſtly tranſlated by *Sidroc* [n] *Senex Comes*, *Sidroc Junior Comes*, *Osbernus Comes*, *Freona Comes*, *Heraldus Comes*. And divers ſuch examples are. Yet on the other ſide, the *Comites* or *Duces* of the *Saxon* part and of thoſe times that precede *Canutus*, are in the ſame Annals, expreſſed moſt commonly by *Ealdormen*. And whereas Earl is ſometimes uſed in ſome *Saxon* Annals of King *Ethelred*'s time, a little before *Canutus*; it proceeded, I preſume, from this that in *Etheldred*'s time the word *Ealdorman* was, by ſome that affected the *Daniſh* Cuſtoms and language rejected, and *Eorle* uſed in ſtead of it. And ſo both *Eorle* and *Ealdorman* for ſome time in thoſe ages, denoted the ſelf ſame; as perhaps they do alſo in [o] *Canutus* his Laws. But in his time the *Daniſh* power increaſing here, the name of *Earl* was ſo fixed on thoſe that were at firſt called *Ealdormen*, that it hath been thence continued to this day, and hath been only uſed for the ſame Title. Thence is it that the publiſhed *Saxon* [p] fragment of the dignities of thoſe times (for it is to be referred to the later times of the *Saxon* Monarchy) *Earles* and *Thanes* are ſpoken of, but no mention is in it, of the title of *Ealdormen*. And the name of Earl was in that age of ſuch dignity that *William* the firſt, in his *Saxon* ſtile of *Normandy*, called himſelf only Earl of it, which in that age was tranſlated by *Princeps Normannorum*. But he uſed alſo the ſame name for thoſe that were then the *Comites* of *England*. And how *Comes* and *Dux* were indifferent antiently in *Normandy*, is before ſhewed in the dignities of *France*. In an original Charter from him to the Abbey of Saint *Edmondsbury*, both in the *Latin* and *Saxon*: the *Latin* is, ✠ *Willielmus Rex Anglorum*, *Princeps Normannorum atque Cenomanenſium Archiepiſcopis*, *Epiſcopis*, *Abbatibus*, *& cæteris ſuis fidelibus*, and the *Saxon* that anſwers to it. ✠ pillelm Engla Kyng ⁊ Eorle ofer Normandie ⁊ ofer þa Manr ic renðe gretinȝ ſſpecebiſcopan ⁊ leobbiſcopan ſſbbodan ⁊ Eorlan ⁊ eallum ȝeleaþfullum mannum. And *Odo Comes Cantiæ* is interpreted Eorl ofer Cent in the ſame Charter. And from that age to this day thoſe two words only, the *Latin Comes*, and the *Daniſh* word Eorl or Earl have expreſſed with us this title. Thoſe other that antiently occurr in the *Latin* of the *Saxons*, being never or rarely at all, ſince the coming of the *Normans* uſed, for an interpretation or expreſſion of this dignity among us.

In the beginning of the *Norman* Monarchy alſo, there was a reaſon given of the name of *Comes*, and ſuch a one as is proper to this Kingdom. But of that more anon, when we ſpeak of the time ſince the *Normans*.

The next of thoſe in King *Athelſtan*'s Laws, are Holdar ⁊ hehȝerefaf, or *Holds* and *Highgereves*; both which were but Officiary dignities. The *Holds* were Captains or Commanders in the Wars. The *Highgereves*, were but the High Sheriffs of Shires, [q] or ſuch Territories as were committed to their cuſtody and charge by the King, in ſuch ſort as the *Cuſtodia Comitatus* is at this day given the Sheriffs. *Shire-reeve*, or *Shire-gereeve* is but the ſame word with *Shrive* or *Sheriffe*. And in thoſe times it ſeems, that theſe *Highgereeves* had to the King's uſe, the cuſtody

m *Alſ.*

n *Flor. Wig. Ann.* 871. *alii.*

o *Vide Leges Canuti cap.* 55, & 69.

p *Apud Lamb. in Peramb. Kantii, pag.* 500. *and in Mils de Nobilitate civili &c.*

q *Videſis Leges Edwardi ſenioris cap.* 2. *Vide ſeyreman in leg. Ina cap.* 8.

custody of such Counties or Territories as had not any Ealdormen or Earls placed in them, or, if they had, were still so subject in all or in part to the King's immediate Jurisdiction, that he had High Sheriffs there as well as Ealdormen, which by custom, grant, or special provision sometimes happened. They were expressed in *Latin* by the name of *summi præpositi*, *Vicecomites*, and *Vicedomini*, as we see often in *Ingulphus* * Abbot of *Crowland*, in *Brampton* and others. But the particle *vice* in those two last names denoted not always a subordination to any *Comes* or other *Dominus* than the King, no otherwise than at this day *vice* in *Vicecomes* doth. As in that of *Horace*, *utar vice cotis*, and as in *Vice-cancellarius* in the Court of *Rome*, where there is no Chancellor, so is *vice* proportionably in that office made by the King. And so was it originally. That is, the King appointed one that might *Supplere vicem Comitis*, or *vicem Domini* in the County that had no *Comes*, or *Ealdorman*, Lord of it. But this is to be understood only of such as were immediate to the King, as at this day, and ever since the *Normans*, all high Sheriffs besides those of the antient Counties *Palatine*, or Counties in the nature of *Palatine* have been. For also, some *Ealdormen*, *Earls*, or *Comites* of those times, having Regal Jurisdiction, and being as Counts Palatin, had their *Vicecomites* or Sheriffs subordinate to them, as we see in *Ingulphus*, [r] where one *Norman* son to *Leofwin*, Earl of *Leicester* is *Vicecomes Edrici Comitis* or Sheriff to *Eadric Strona* *Ealdorman* or Earl of *Mercland* under King *Æthelred*.

After these, in that of King *Athelstan*, follow ⁊ ꝑꝛeꝺ-ᵹeꝛeꝛ ⁊ ꝑoꝑlꝺ ꝺ-ᵹneꝛ, or *Missethegnes and world Thegnes*, that is spiritual *Thanes*, and temporal *Thanes*. *Presbyteri & Seculares* expresses them in the translation in [s] *Brampton*; and in the same Laws a Mass Priest by the name of ⁊ꝛꝛe Þꝛeoꝛꝺ is deemed in every degree equal according to the custom of the English, to a ꝑoꝑlꝺ Ðeᵹne, or a *Secular Thane*. The word *Thegne* or *Thane* signifies but *minister*, or *servant*; and so are the translations most frequent both out of the *Saxon* Laws and Annals into the *Latin* of elder times, and out of *Latin* into *Saxon*. One example of it is in that before cited out of *Bede*. And divers others are in him; as *Minister Regis* in him is turned by Cyninᵹeꝛ Ðeᵹn [t] and *Minister Regis Amicissimus* Cyninᵹeꝛ ᵹeꝛæꝺoꝛꝺꝛa. And in *Marianus* and *Florentius* very many like testimonies are. *Quatuor de Ministris Regiis* (say they) *in* DCCCXCVI. *occiduntur*, which was translated out of this *Saxon* as we find it in the old *Saxon* [u] Annals, ꝑeoꝛoꝑ Cyninᵹeꝛ Ðeᵹnaꝛ oꝛꝛlæᵹene. And, in the following year there, *Ministri Regii*, *Eadulphus in Saxonia Regis minister*, and *Ecgulfus Strator Regis* are expressed in the *Saxon* by Cyninᵹeꝛ Ðeᵹnaꝛ and Eaꝺulph Cyninᵹeꝛ Ðeᵹn on Suðꝛeaxum and Ecᵹulf Cyninᵹeꝛ hoꝛꝛ Ðeᵹn or *Minister*, or *Servant about his horse*, in that sence perhaps, as we now say, *The Master of the Horse*. So in MXIII. *Occidentales ministri* in them, are in the *Saxon* Ða ꝑeꝛꝛꝑænaꝛ Ðeᵹenaꝛ or *the Thanes of the West Country*. Other such examples are most obvious. And in the Charters of that time the Addition of *Minister* for a *Thane* is most common amongst the subscriptions, after the *Principes* or *Duces*. And though the word denoted a Servant or Minister generally (and so divers had the title, as it was merely Officiary and personal) yet those that were the King's immediate Tenants of fair possessions, which they held by personal service as of his person (or as we now say by *Grand Serjeanty*, or Knight's service in Chief) were, I conceive, the *Thanes* that had the honorary dignity, and were part of the greater

England.

* *Vide eum pag. 870. Ed. Franc.*

[r] *Histor. Crowland pag. 811. & 912. Ed. Fr.*

[s] *Ms.*

[t] *Eccles Hist. lib. 3. cap 22. & lib. 2. cap. 9.*

[u] *Ms. 896.*

England. Nobility of that time, howſoever thoſe Officiary dignities of *Hold* and *Highgereve* had then precedence of them. That is, they were all the Kings feudal *Thanes*, and the land held ſo was called *Tainland* or [x] *Thaneland*, as afterwards the Lands held that made a Baron were called a Barony, as alſo they are called to this day. This title continued in the *Saxon* times until the coming of the *Normans*, and it was in ſome uſe alſo after that time. And as the uſe of the word *Baron*, is to this day ſuch that it denotes, in the moſt honourable ſence, only the Barons of Parliament, and yet is variouſly communicated to ſome Officers of Courts of ordinary Juſtice, to thoſe of the Cinque Ports, and to the Lords of Mannors; ſo had *Thane* in thoſe times various acceptations. But in the moſt honourable ſence, it denoted the King's *Thanes* or Tenants by grand Serjeanty, or Knights ſervice in Chief: who were joyned with Earls in thoſe times as afterwards Barons were. As we ſee in the directory of ſome Charters in that time. [y] ✠ Eƿaꝺ Cyng gret mine Biſceoper ⁊ mine Eorler ⁊ ealle mine Þegner on þan ſcýre hpæne mine Pꝛeoſtep in Paulus Mynſtep habbenꝺ lanꝺ. ✠ *I Edward King greet all my Biſhops and mine Earls, and my Thanes, where my Prieſts of the Church of Pauls have land*; and divers other like occurr. In the Latin uſed ſome few years after the *Norman* Monarchy ſetled, this would have been tranſlated (I ſuppoſe) by *Comitibus & Baronibus.* For after ſome years that followed the coming of the *Normans*, this title of *Thane* grew out of uſe, and that of *Baron* and *Barony* ſucceeded for *Thane* and *Thainland*, whereof more anon. Nor were the names of *Baron* and *Barony* received into any uſe (as I think) among the *Saxons.* It is true, that in ſome *Latin* memories of the affairs of the *Saxon* times, we have the word *Baro.* Under King *Edward* ſon of King *Alfred*; *occiſus eſt Siulf Dux, & Sigem Dux &* [z] *Edilwold Baro Regis*, ſaith *Henry* of *Huntingdon*; and a little after under the ſame King; *Turchetel Conſul ſubditus eſt Regi omneſque Conſules & Meliores Barones qui appendebant ad Bedfordiam.* But the *Saxon* Annals [a] whence thoſe paſſages were tranſlated (and that after the *Normans*) have not the title of Baron there. Of the firſt, the *Saxon* words are Ðeꝛ ꝓeaꝛꝺ Suliꝼ Ealꝺoꝛman oꝛꝛlæȝen ⁊ Sihelm Ealꝺoꝛman ⁊ Eaꝺꝛoꝛꝺ Cyngeſ Þegn. Where Þegn or *Thane* is uſed for that which the Latin of *Huntingdon* calls *Baro.* And thoſe words that concern Barons in the ſecond are ꝓa ýlꝺeꝛtan men ꝼe to Bedꝛoꝛꝺan hyꝛꝺon, *or the chief men of Bedfordſhire* (without the name either of *Thane* or *Baron*) or *Nobiliores de Bedfordia*, as *Marianus* turns it, and after him *Florentius* retains it. From this uſe of tranſlation of *Thane* by *Baro* in the times that followed the *Normans*, thoſe other paſſages that occurr in the Latin Laws of the *Confeſſor* [b] and of King *Canutus* (as they are [c] in the old tranſlation) and ſuch more with *Baro*, in them that are rightly to be underſtood. And ſo is that of *John Brampton*, [d] where ſpeaking of *Godwin* Earl of *Weſtſex*, being accuſed as a Traitor, for being privy to the murder of *Alfred*, brother to King *Edward* the Confeſſor, he ſays that the King ſpake of it to his *Comites* and *Barones*, aſſembled in Parlament. But I can ſcarce doubt but that the *Saxon* whence he had that, was Eorlaſ ⁊ Þegnaſ, as alſo that which he calls a Parlament, was in the time whereof he wrote, titled a ꝓitenagemot, or Micel ſynoꝺ which was the ſame kind of Court, which afterward was from the *Romançe* Dialect ſtiled a Parlament. And from the like tranſlation are other like places of the Antients to be interpreted. But the whole paſſage in *Brampton* is * anon tranſcribed. But for that of *Barones* in the

x *Videſis notas ad Eadmerum pag.* 170.

y *Pat.* 18. *H.* 6. *part.* 2. *memb.* 9 *n.* 12. *vide item Cart.* 4. *Ed.* 3. *membr* 13. *&c.*

z *Huntingd. li.* 5. *pag.* 353. *Ed. Fr.*

a *Ms.*

b *Cap.* 21. *& apud. Rog. de Hoveden. pag. Edit. Fr.*

c *Ms.*

d *Ms.*

* §. 6.

the common treatiſe of *Modus tenendi Parliamentum*, which is in the title refer'd to the times of *Edward* the Confeſſor; it requires no ſuch interpretation doubtleſs. The Treatiſe was written long after the beginning of the *Norman* Monarchie, and the title is ſo falſe, that it too much diſparages the body of the Treatiſe, whereof more anon, where we ſpeak of the times that ſucceed the coming of the *Normans*. We adde here only, for thoſe names of the *Saxon* Dignities, that interpretation of *Latin* into *Saxon*, by *Alfricus* Archbiſhop of *Canterbury*, who lived in the times wherein they were uſed. *Princeps* (ſaith * he) Ealdopman; *Dux* hepetoga oppe latteop; *Comes*, Ealdopman oppe gepera (ſo is it written in the Copy I uſe, and over it in as old a hand is vel gepera with a ſtroke drawn through it) *Clito* Ætheling, *Primas* Heapodmann, *Satrapa* þegen, *Præpoſitus* gepera oppe ppaurort, *Dominus vel Herus* hlapopd *Domina* hlæpdige. Where obſerve that he hath not the title of Eorle or Earle, but Ealdopmann in ſtead of it which he makes the *Saxon* both for *Princeps* and *Comes*. The word Earle coming into uſe afterward from the *Daniſh* language, as is before ſhewed. Now *Alfricus* died Archbiſhop after he had held the See thirteen years in MVI. And it is moſt likely that he wrote his Grammar, whence this is taken, long before, which I note that you may ſee how it will agree with our deduction of Earl out of *Daniſh* and later uſe into the room of the *Saxon* Ealdorman. And of the names of *Ealdorman*, *Earl* and *Thane*, in thoſe *Saxon* times hitherto.

England

* *In Grammatica Ms. penes* Lamb. Moreton *Eq. Aurat.*

III. The uſe of thoſe names being thus ſhewed, before we come further into the times of the *Norman* Monarchy, theſe two things are eſpecially obſervable touching the *Earls*, *Ealdormen*, and the *Thanes* of the *Saxon* ages. The *Poſſeſſions* belonging to their dignities, and their *Juriſdiction*. The *Poſſeſſions* of Ealdormen or Earls, were ſometimes the whole Territories from which they were denominated, that is, their whole Ealdopdomer as they called them, or *Earldoms* or one or more ſhires committed to them. Sometimes their poſſeſſions conſiſted in ſome particular Territories, the bodies of the Shires remaining in the crown. And they had alſo ſometimes a Third or ſome other cuſtomary part of the profits of certain Cities, Boroughs, or other places within the Earldom.

But by the way we firſt clear the truth of that which is miſtaken by divers concerning the firſt diviſion of the Kingdom into Shires or Counties. King *Alfred* (they ſay) firſt did it, and *Ingulphus*, indeed, affirms it. *Totius Angliæ* [e] *pagos & Provincias in Comitatus primus omnium commutavit, &c.* Were that true, then no man had a Shire or County before *Alfred*'s time. And ſo none of them that had their dignities from Shires or Counties muſt have an antienter beginning than King *Alfred*. But whatſoever *Ingulphus* means by it, it is plain, that *Alfred* was not the firſt that divided the Kingdom into Shires, or *Comitatus*. Neither were the *Pagi & Provinciæ*, which he ſpeaks of, other than *Comitatus*, or Shires. And before *Alfred*'s times theſe *Pagi* had their *Ealdormen* in them. *Ethelwolfus Barocenſis Pagæ Comes*, and *Ceorle Domnaniæ Comes*, and *Eanulf Somerſetenſis Pagæ Comes*, for the Earldoms of *Barkſhire*, *Devonſhire*, and *Somerſetſhire*, under King *Athelwolf*, Father to King *Alfred*, are remembred in *Aſſerius Menevenſis*, that lived in King *Alfred*'s time. Two of them are alſo in *Ethelwerd*, a [f] Writer of the *Saxon* times, beſides *Oſric Dorſetum Dux*, for the Ealdormen of *Dorſet*. *Ealhere* or

e *Pag.* 870. *Ed. Franco.*

f *Lib.* 3. *cap.* 3

Alchere

England. *Alchere* was, at the ſame time, Ealdorman of *Kent*, and *Auda* or *Wuda* of *Surrey*, as we have it in *Hovedon*, *Huntingdon*, and in that *Aſſerius* alſo. And *Ingulphus* hath the Charter of King *Ethelbald*'s foundation of *Crowland*, whereunto the *Comites* of *Leiceſter* and of *Lincoln* ſubſcribe. Beſides, the original Laws of *Ina* King of *Weſtſex*, DCCXX, ſay that if an Ealdorman [g] were guilty of an eſcape þolge hiſ ſcyne, or *he was to forfeit his Shire*, or *perdat Comitatum ſuum*, as the old Latin tranſlation hath it. How then did King *Alfred* begin the Diviſion of Shires? Doubtleſs that paſſage in *Ingulphus*, for ſo much as concerns this diviſion, was miſtaken by him, while he would tell us of *Alfred*'s diviſion of Shires into Hundreds and Tithings, which is true, and is alone without that of the Counties judiciouſly related by *William of Malmesbury*, [h] who might know the truth as well as *Ingulphus* that wrote about CLXX years after *Alfred*. And *Henry* of *Huntingdon* and *Godfrey* [i] of *Malmesbury* expreſly referr the beginning of the diviſion of Counties to the union of the *Heptarchie* in the Kings of *Weſtſex*. *Poſtquam autem* (ſaith *Huntingdon*) [i] *Reges* Weſtſeaxe *cæteris prævaluerunt & Monarchiam obtinuerunt, terras* per XXXV *provincias ſibi diviſerunt*. That time precedes *Alfred* by about LXX years. But the juſt time of the firſt diviſion appears not. Yet it cannot be doubted but that ever ſince any government was eſtabliſhed here, ſome diviſion was of the Kingdom into ſuch parts as might receive ſeveral Governours, or Gardians. No doubt neither, but that time hath variouſly altered and induced new [k] ſhapes into that diviſion, which yet always was fit enough to ſupport the dignities of ſeveral Ealdormen that had more or fewer parts of the diviſion, according to the pleaſure of the Kings that created them.

g *Leg. Inæ cap. 36. apud Brampton Ms cap. 31. & vide cap. 8.*

h *De geſt Reg. Angl. lib. 2. c. 4.*

i *Ms. hiſtoria.*

i *Hiſtor. lib 1. circa initium.*

k *Videſis Ingulph. Hiſt pag. 911. Ed. Franc. Luc. 3.*

But, for an example of the Poſſeſſions of the Ealdormen, and Earls of that time; *Ethelred*, Ealdorman of *Mercland* had all that which was the Kingdom of *Mercland* to his own uſe, as an Ealdordom and fief given him in marriage with *Ethelfled* by her Father King *Alfred*. *Londoniam caput Regni Merciorum* (ſaith *William* of [l] *Malmesbury*) *cuidam Primario Ethelredo, in fidelitatem ſuam cum filia Ethelfleda conceſſit*, That is, he gave it him to hold of him or as ſome [m] *Saxon* Annals of DCCCLXXXVI, expreſs it, ſe þa be ſæſte Lundenburhe ætheluulfe Ealdorman to healden, which *Aſſerius* and *Florentius* have by *ſervandum commendavit*. But the mention of the gift of the chief ſeat here, implies the gift of the whole Territory of *Mercland*, as we ſee alſo by that in the ſame *Malmesbury*, where he ſays, that after *Alfred*'s death, his ſon King *Edward* was King of *Weſtſex* and *Mercland*, but ſo, that he was King of *Mercland* in name only, the whole poſſeſſions remaining to Ealdorman *Ethelred*. *Duo regna Merciorum & Weſtſaxonum* (ſaith he) *conjunxerat; Merciorum nomine tenus, quippe commendatum Duci Ethelredo, tenens*. The eſtate, I conceive, was no leſs than Inheritance which the Donees had in this Ealdordom. Although I doubt not but at the pleaſure of the King divers were made for life, and perhaps at will alſo. *Ethelred* enjoyed this of *Mercland* to his death, which was divers years after the beginning of King *Edward*. And his Lady *Ethelfled* ſurviving him, held all of it ſaving *London* and *Oxford*, with the Territories adjoining, which the King her brother took from her. And at her death, ſhe left her daughter the Lady *Alfwyn* or *Elfwin* heir of it, whom the King her uncle ſoon diſpoſſeſſed of the whole Ealdordom. *Unicam filiam ſuam Elfwinam* (ſaith *Florentius*

l *De geſt. Reg. lib. 2. cap. 4, & 5.*

m *Ms. 856.*

rentius [n] speaking of *Ethelfled*) *ex Ethelredo ſub regulo ſuſceptam hæredem regni* (ſo he calls the Earldom, becauſe it had been a Kingdom) *reliquit.* And *exhæredavit Rex Edwardus, ex domino Mercæ totius, Alfwin,* ſays *Huntingdon,* whoſe ſtory of this Lady, hath otherwiſe moſt groſs miſtaking. For inheritance in Earldoms of that time; ſee alſo what [o] others have of the Earls of *Leiceſter.* But it ſeems alſo, that this dignity was in ſome place in *England* both feudal and inheritable, even from the age of the firſt coming of the *Saxons* into *England,* which is commonly placed in CCCCXLVIII of our Saviour, though by exacter [p] calculation, it fall XX year ſooner. For from about that time until DLXVII *Northumberland* (that is, all beyond *Humber,* and not only that which we now call *Northumberland*) was two Ealdordoms, held of the Kings of *Kent.* The one, all that from *Humber* to *Tyne,* by the name *Deireland* or *Deira.* The other from thence northward by the name of *Bernicia.* Theſe Ealdordoms began in *Otho* brother to *Hengiſt* King of *Kent,* and *Ebuſa* his ſon, who having conquered by *Hengiſt*'s Commiſſion thoſe Northern parts, held them as Ealdordoms or Earldoms of the Kings of *Kent,* and by that name tranſmitted them to their Heirs who uſed no other title than *Ealdorman* or *Dux,* or *Comes,* or the like according to the indifferency of thoſe words, and of the reſt, that are before ſhewed to have been Synonymies with them, until *Ida* in DLXVII, took on him the name of King of all *Northumberland. Illi imperatis inſiſtentes* (ſaith *Malmesbury* [q] ſpeaking of *Otho* and *Ebuſa* being ſent thither with *Hengiſt*'s Commiſſion) *Conveniens ſtudiis ſuis exitum habuerunt. Namque ſæpenumerò cum provincialibus congreſſi, profligatiſque qui reſiſtendum putaverant, reliquos in fidem acceptos placidæ quietis gratia mulcebant. Ita cum & ſuis artibus & ſubjectorum favore nonnihil poteſtatis corraſiſſent nunquam tam Regium nomen temerare meditati, ejuſdem mediocritatis formam in proximos poſteros declinaverunt. Annis uno minus centum Northumbriæ* Duces *communi habitu contenti, ſub imperio* Cantuaritarum *privati agebant. Sed non poſteà ſtetit hæc ambitionis continentia, ſeu quia ſemper in deteriora declivus eſt humanus animus, , ſeu quod gens illa naturaliter inflatiores anhelet ſpiritus. Anno itaque Dominicæ Incarnationis* DLXVII *poſt mortem* Hengiſti LX Ducatus *in Regnum eſt mutatus regnavitque ibi primus Ida.* This Kingdom there continued until *Eiric* in whom it ended under King *Eldred,* and became again an Ealdordom or Earldom by his erection. He gave it firſt to *Oſulf*; between whom and *Oſac* it was afterward devided; and after their deaths *Walteof* was Earl of it, from whom it deſcended [r] to his ſons *Uchtred, Edaulf,* and *Coſpatric*: the two firſt (after *Eadulf Cudel* their Uncle had by the favour of King *Cnout,* for a time, uſurped the Earldom) ſucceeded one the other, and *Eadulf* the younger being ſlain, King *Hardecnut* ſeiſed it and gave it to *Siward,* who had right to it in behalf of his wife *Elfleda* Earl *Aldred*'s daughter. But after his death it was ſeiſed into the King's hands, and given ſometimes in part, ſometimes wholly to *Toſtius,* then to *Morcarus,* then to *Coxius* or *Coxo,* but it ſeems at pleaſure. And they enjoyed it ſucceſſively. Upon the death of *Coxo* (who had ſo much as is now *Northumberland*) *William* the firſt (the reſt alſo being in his hands) conferred the whole Honor and Territory on *Coſpatric.* And the reaſon why he gave it him (beſides that he paid well for it) is expreſſed by *Roger* of *Hoveden*; *Nam ex materno ſanguine attinebat ad eam Honor illius Comitatus. Erat enim ex*

matre

England.

n *Sub Anno* 919.

o *Tho. Talbot apud Camd. Brit. pag.* 930.

p *Vide Camd. Brit. pag.* 95.

q *Lib. 1. de geſt. Reg. cap.* 3.

r *Vide Roger de Hovedon. Annal part.* 1. *pag.* 424. & 454.

England. *mare* Algitha, *filia* Uthredi *Comitis, quam habuit ex* Elgiva *filia* Ethelredi *Regis. Hanc* Algitham *pater dedit in conjugem* Maldredo *filio* Crinani. This reaſon could have been of no force, unleſs *Uthred* had been Earl of *Northumberland*, to him and his Heirs. For, if not, how had this *Coſpatric* right to it by being ſon of *Algitha*, daughter of *Uchtred*. But this King *William* ſeiſed it again as forfeited by *Coſpatric* for Treaſon in taking part with the Rebels at *York*. Then he created *Waltheof* the ſon of Earl *Siward* Earl of it as one that had indeed right in a nearer degree of Diſcent than *Coſpatric* had, as alſo by Father and Mother, and therefore alſo he could not be prejudiced by the forfeiture of *Coſpatric*. *Poſt* Coſpatricum *datus eſt Comitatus* (ſaith *Hovedon*) Walthevo Siward *Comitis filio qui ei tam ex patris quam ex matris proſapia debebatur.* Where it ſeems alſo that *Siward* had the inheritance of it given him as in right of his wife *Elſled. Fuerat enim* Waldeofus (ſaith *Hoveden*) Siwardi *Comitis filius ex filia* Aldredi *quondam Comitis* Elfleda. And the pretence alſo why it was no longer permitted to *Waltheof* ſon of *Siward*, was (according to the frequent exerciſe of thoſe unſetled times) becauſe he was in minority. Therefore *Toſti* ſon to Earl *Godwin* procured it to himſelf. As others did after him. But in favour of antient right of Inheritance, it returned again to the blood, and next heir of him that had it firſt given to him and his heirs. Some other ſuch eſtates were in the Earldoms of that time. But theſe are ſufficient examples. And it ſeems the Territories of *Northumberland* were poſſeſſed by thoſe Earls as the King held them at the time of the Creation.

(*Videſis H. Hunt. lib. 6. in Edwardi confeſſoris anno. 12.*

But ſome others had not the Territories which we comprehended in their denomination or the profits of them, but only ſuch particular poſſeſſions as were either by name given them or otherwiſe by cuſtom annexed to the dignity. *Godwin* was Earl of all *Weſtſex*. But after the death of *Canutus*, half brother to King *Harold* the firſt, *Conſilium inierunt* (ſaith *Henry* of *Huntingdon*) *quod Emma Reginam cum Regis defuncti familia conſervaret* Weſtſex *apud* Wincheſtre *in opus filii ſui* (he means *Hardicnut*) Godwinus *verò Conſul Dux eis eſſet in re militari.* Here if *Godwin* had poſſeſſed all in *Weſtſex*, as *Ethelred* did in *Mercland*, *Hardicnut* could not have been King of any thing in *Weſtſex*. Therefore he had ſome particular poſſeſſions only. The like may be ſaid of ſome others that occur in the Stories of thoſe times.

For the *third parts of profits* and ſuch like; The City of *Oxford* in the time of *Edward* the Confeſſor, paid twenty pound rent to the King, and ſix gallons of Honey, and ten pound to the Earl with an allowance of a Mill there. *T. R. E.* (that is, *tempore Regis Edwardi*) *reddebat* Oxenford (ſo are the words of *Domeſday*) *pro theoloneo & gablo & omnibus aliis conſuetudinibus per annum, Regi quidem* XX *libras &* VI *ſextarios mellis, Comiti verò* Algaro X *libras adjuncto molino quem infra Civitatem habebat.* This *Algarus* was, under the Confeſſor, Earl of *Mercland*, whereof *Oxfordſhire* was a part. *Staffordſhire* was alſo in this Earldom, and *reddebat* (ſaith the ſame Book) *Burgum de Stafford de omnibus conſuetudinibus* IX *libras denariorum. Duæ partes erant Regis tertia Comitis.* And in *Nottinghamſhire* there, under this title. *Hic notantur qui habuerunt Socam & Sacam & Thol, & Thaim, & conſuetudinem Regis* II *denariorum*; divers names follow and

and that of persons of great quality, and then *horum omnium nemo habere potuit tertium denarium Comitis nisi ejus concessu & hoc quam diu viveret præter Archiepiscopum &* Ulfenise *&* Godeue *Comitissam.* This *Godeue* was mother to *Algarus* and Countes of *Mercland.* The like was in some other Earldoms. In *Ipswich* which was a part of the Earldom of *Eastengland, Regina Edena* II *partes habuit* (so we read in *Domesday*) and *Comes Guert tertiam.* And *Norwich* in the same Earldom, *Reddebat* XX *libras Regi, & Comiti* X *libras.* That *Guert* was the sixt son of Earl *Godwin*, and slain with King *Harold* at the battle of *Hastings.* The Monks call him *Girthe, Girtha*, and *Guorthe.* Of *Lewes* in *Sussex* also, *erant* II *partes* (so we read in *Domesday*) *Regis, tertia Comitis.* And *Chichester reddebat* XV *libras. Regi* X *libras, Comiti* C *solidos. Godwin* and his son *Harold* had been Earls of *Sussex* in the time whereof the book speaks, as they had been also of *Kent* and *Westsex.* And *Pax manu Regis vel sigillo ejus data* (so they reported an antient custom in *Lincoln*, as we read in the same book) *si fuerit infracta, emendetur per* XVIII Hundz. *Unumquodque* Hundred *solvit* VIII *libras.* XII Hundz *emendant Regi &* VI *Comiti.* And to the same purpose almost the Laws of the t Confessor. The breach of the Kings peace at certain times (as in the VIII daies of the Coronation, and in the greater feast daies, or on persons, or places that were under his particular protection) was finable *in Danelega per* XVIII *hundreda, qui numerus complet* CXLIV *libras, quoniam forisfacturam Hundredi, Dani, Norwegienses* VIII *libris habebant. Multiplicatis igitur* VIII *per* XVIII *fiunt* CLXIV. *Et hoc non sine causa. De istis enim octo libris Rex habebat* C *solidos & Consul Comitatus* L *qui tertium habebat denarium de forisfacturis.* The other ten shillings the Dean of the Deanry, where the peace was broken, had, saving when it was done in places under his particular protection signified by his special command (so I interpret *Pax data manu Regis*) or in the daies of Coronation, Christmas, Easter, or Whitsontide. And *Edwin* son to *Algarus* Earl of *Mercland*, and heir to him in *Cheshire* at least and some other Territories that were part of the antient Earldom of *Mercland*, under *Edward* the Confessor, so divided the profits of VIII Salt-pits in *Warmunstow, ita quod de omnibus exitibus & redditibus salinarum habebat Rex* II *partes & Comes tertiam;* as the words also of *Domesday* are. Where likewise, under the title of *Cheshire*, we read of the City of *Chester*, that in the time of the *Confessor, reddebat hæc civitas* X *Marcas argenti, & dimidiam. Duæ partes erant* Regis *&* *tertia* Comitis, *& hæ leges erant ibi.*

t *Cap.* 31. *apud Lambard. sed de pravate (uti id genus ajit.) habentur hæc apud Rog. de Houed part.* 2. *pag.* 606. *Edit.*

Pax data manu Regis vel suo brevi, vel per suum legatum, si ab aliquo fuisset infracta, inde Rex C *solidos habebat. Quod si ipsa pax Regis jussu ei à* Comite *data fuisset infracta, de* C *solidis, qui pro hoc dabantur, tertium denarium* Comes *habebat. Si verò à Præposito Regis aut Ministro* Comitis *eadem pax data infringeretur, per decem libras emendebatur, &* Comitis *erat tertius denarius. Si quis liber homo Regis pacem datam infringens in domo hominem occidisset terra ejus & pecunia tota Regis erat &* Utlagh *fiebat. Hoc idem habebat* Comes *de suo tantum homine hanc forisfacturam faciente. Cuilibet autem* Utlagh *nullus poterat reddere pacem nisi per Regem.*

Qui sanguinem faciebat à mane secundæ feriæ usque ad nonam Sabbati, X *solidis emendabat; à nona verò Sabbati usque ad mane secundæ feriæ sanguis effusus* XX *solidis emendabatur: similiter* XX *solidos solvebat*

England. *vebat qui hoc faciebat in* XII *diebus Nativitatis, & in die purificationis S.* Mariæ *& primo die Paschæ, & primo die Pentecostes, & die Ascensionis, & in Assumptione, vel Nativitate S.* Mariæ *& in die festo omnium Sanctorum.*

Qui in istis Sacris diebus hominem interficiebat IIII *libris emendabat. In aliis autem diebus* XL *solidis. Similitèr* Heinfaram *vel* Foreſtel *in his festis diebus, vel die Dominico qui faciebat,* IV *libris emendabat. In aliis diebus* XL *solidis.* Hagenuitham *faciens in civitate* X *solidos dabat: Præpositus autem Regis vel* Comitis *hanc forisfacturam faciens* XX *solidis emendabat.*

Qui Rebelach *faciebant vel latrocinium vel violentiam fœminæ in domo inferebat, unumquodque horum* XL *solidis emendabatur.*

Vidua si alicui se non legitime commiscebat, XX *solidis emendabat, puella verò* X *solidis pro simili causa.*

Qui in civitate terram alterius Saisibat, & non poterat diratiocinare suam esse XL *solidis emendabat. Similiter & ille qui clamorem inde faciebat, si suam esse debere non posset diratiocinare.*

Qui terram suam vel propinqui sui relevare volebat X *solidos dabat.*

Quod si non poterat, vel nolebat, terram ejus in manum Regis Præpositus accipiebat.

Qui ad terminum quod debebat gablum non reddebat decem solidis emendabat.

Si quis civitatem comburebat de cujus domo exibat emendabat per tres oras denariorum, & suo propinquiori vicino dabat duos solidos. Omnium harum forisfacturarum duæ partes erant Regis *& tertia* Comitis.

Si sine licentia Regis ad portum civitatis naves venirent, vel a portu recederent, de unoquoque homine qui in navibus esset XL *solidos habebant Rex &* Comes.

Si citra pacem Regis & super ejus prohibitionem navis adveniret tam ipsam quam homines, cum omnibus quæ ibi erant, habebat Rex & Comes.

Si verò cum pace & licentia Regis venisset, qui in ea erant quiete vendebant quæ habebant. Sed cum discederent IV *denarios de unoquoque* Leſth *habebant Rex &* Comes. *Si habentibus matrinas pelles juberet Præpositus Regis ut nullibi venderent donec sibi prius ostensas compararet, qui hoc non observabant* XL *solidis emandabant.*

Vir sive mulier falsam mensuram in civitate faciens, deprehensus, IV *solidis emendabat. Similiter malam cervisiam faciens, aut in cathedra ponebatur stercoris, aut quatuor solidos dabat Præpositis.*

Hanc forisfacturam accipiebant ministri Regis & Comitis *in civitate in cujuscunque terra fuisset, sive Episcopi, sive alterius hominis. Similiter & theloneum si quis illud detinebat ultra tres noctes* XL *solidis emendabat.*

u *Tempore Regis Edwardi.*

u *T. R. E. Erant in civitate hac septem Monetarii, qui dabant septem libras Regi &* Comiti *extra firmam, quando moneta vertebatur.*

Tunc erant XII *Judices Civitatis & hi erant de hominibus Regis &* Episcopi *&* Comitis. *Horum si quis de* Hundret *remanebat die quo sedebat sine excusatione manifesta,* X *solidis emendabat inter Regem &* Comitem.

Ad murum civitatis & pontem reædificandum de unaquaque hida comitatus unum hominem venire Præpositus edicebat. Cujus homo non veniebat domus ejus XL *solidis emendabat Regi &* Comiti. *Hæc forisfactura extra firmam erat.*

Hæc

Hæc civitas tunc reddebat de firma XLV *libras & tres* timbres *pelli-* England.
um martrinarum. Tertia pars *erat* Comitis *& duæ Regis.*

Quando Hugo Comes *recepit non valebat niſi* XXX *libras : valdè enim erat vaſtata. Ducentæ &* V *domus minus ibi erant quam T. R. E. fuerant.*

Hanc civitatem Wundret *tenuit de* Comite *pro* LXX *libris & una marka auri.*

Ipſe habuit ad firmam, pro L *libris & una marka auri, omnia placita* Comitis *in Comitatu & Hundredis præter* Inglefeld.

Terra in qua eſt templum S. Petri, *quam* Robertus de Rodelend *clamabat ad* Teinland, *ſic diratiocinavit comitatus. Nunquam pertinuit ad Manerium extra Civitatem, ſed ad Burgum pertinet, & ſemper fuit in conſuetudine Regis &* Comitis *ſicut aliorum Burgenſium.*

In the Laws of the [x] Confeſſor, we find alſo; Wanbote *Anglorum lege, Regi & Archiepiſcopo tres marcas de hominibus eorum propriis. Sed Epiſcopo ejuſdem Comitatus & Conſuli & Dapifero Regis* XX *ſolidos.* And in *Lincolnſhire*, we have *conſuetudines Regis & Comitis* remembered in *Domeſday*, which muſt it ſeems, be referred to the *Saxon* times. For that book was begun and ended between the XIV and XX year of *William* the firſt, and comprehends among other things thoſe antient cuſtoms which could not have had ſo late a beginning as the coming of the *Normans*. To theſe may be added that of *Nottinghamſhire* there. *Si Tainus habens ſocam & ſacam foriſfecerit terram ſuam, inter Regem & Comitem, habent medietatem terræ ejus atque pecuniæ, & legalis uxor cum legitimis hæredibus ſi fuerint, habent aliam medietatem.*

x Cap. 12. apud Lambard Sedâ videſis. Hoveden pag. 603. Ed. Fr.

But we conclude here this of the poſſeſſions belonging to the dignity of Earls in thoſe times of the *Saxons*, with that of the relief due to the King at their deaths upon the heirs entry, or the Þeþegeate as thoſe ages called it. Eopleſ Þeþegeate (ſay the Laws of *Canutus*, or King *Knout*) ſpa ðæp to ȝebýnȝe, þ rindon, eahta honſ þeopeſ ȝeraðolode ⁊ þeopeſ ungeraðolode ⁊ þeopeſ helmaſ ⁊ IV býrnan ⁊ ehta ſpeþa ⁊ ealra þela ſcýlda. ⁊ þeopeſ ſpuſð ⁊ tpa hund maucur ȝolder. That is, *an* Earls *Relief is eight Horſe, four ſadled and four unſadled, four Helms, four Coats of Mail, four Spears, as many Shields, four Swords, and* CC *Marks of Gold.*

IV. The *Poſſeſſions of the Thanes*, or their *Tainlands*, held of the King by the ſervice of perſonal attendance, were at leaſt five Hides of Land, if we may give credit to that *Saxon* [y] relation of the dignities of thoſe times. Gif Ceorl (ſo are the words) ȝeþeah þ he heþde fullice þif hida aȝenef landе Cýpicean ⁊ Cýcenan Belhuſ ⁊ Burhȝeat, retl ⁊ ſundernote on Cýnȝef healle þonne þæt he þononforð ðe Þegen rihtef þeorþe, that is, *If a Churle* or *a Country man, ſo thrived that he had fully five Hides of his own Land, a Church, a Kitchin, a Bel-houſe, a Borough-gate with a ſeat, and any diſtinct office in the Kings Court, then was he thenceforth of equal honor or dignity with a* Thane, *or a* Thane; or as the old *Latine* of it is in ſome [z] copies, *Si Villanus excreviſſet ut haberet plenariè* V *Hidas terræ ſuæ propriæ Eccleſiam & Coquinam, Timpanarium, & januam & ſedem &* Sundernotam *in aula Regis, deinceps erat Tiani lege dignus.* I cannot underſtand here the five Hides but for ſo much land held of the King by the ſervice of that office or ſome military attendance. Otherwiſe if he had an office only, or otherwiſe ſerved the King, and ſo were a perſonal *Thane* or ſervant, yet he was not a feudal and honorary *Thane*, which only is the ſubject here. And in the ſame copy where we have that *Latin* tranſlation of

y *Apud Lambard. in Itinerar. Cantii pag.* 500.

z *Legis Athelſtani in Codice Ms. quo uſi ſumus in Bibliotheca Regia ad D. Jacobi p.* 143.

England. the *Saxon* paſſage before-cited, occurs alſo among King *Athelſtan*'s Laws, *Si* Ceoplman *provehatur, ut habeat quinque Hidas terræ ad Utwaram Regis* (that is held of the King by Knights Service) *& occidatur, reddentur* II *millia Thrymſa.* Which is as much as to ſay, that he was of like condition or dignity with a *Thane*, For the *Weregild* of a *Thane* was MM *Thrymſaes*, as we ſee before out of the Printed Laws of King *Athelſtan.* Hence alſo the nature of the V Hides may be the better underſtood, as alſo by that other deſcription of the quality of a *Thane* among the ſame * Laws; *Taini lex eſt, ut ſit dignus rectitudine Teſtamenti ſui & ut tria faciat pro terra ſua expeditionem, Burhbotam & Brugbotam.* Thoſe two laſt are the ſame that commonly occurr in the *Saxon* reſervations, by the name of *Acris Pontiſque conſtructio* or *extructio*, and with the other are together, I remember, called in ſome Charters to the Church of *Canterbury*, *Trinoda Neceſſitas.*

* *Ibid. pag.* 163.

Now a Hide of Land Regularly is and was (as I think) as much Land as might be well manured with one Plough, together with Paſture, Meadow, and Wood competent for the maintenance of that Plough, and the ſervants of the Family. I know divers of the Antients make it C Acres. Others give otherwiſe a certainty to it. But doubtleſs it was [z] uncertain, and juſtly is by others called only a plough-land, or ſo much [a] as belongs to the tillage (whence it muſt of neceſſity be various according to the nature of the ſoil and cuſtom of husbandry in every Country. Thence is it, that in *Domeſday*, ſuch a place *geldabat pro* X, XII, XX *&c. Hidis*, that is, it paid after the rate of ſo many Hides (for by Hides the uſual payments of Subſidies and Aids were in the elder times, and that which was alwaies diſcharged, was often called *Terra non* [b] *Hidata*, as the other *Hidata*) but the juſt value of a Hide that might fit the whole Kingdom never appears there. And in an old Court Book of the [c] Mannor of *Cranfield*, that was of the poſſeſſions of the Abbey of *Ramſey*; the homage (at a Court of Survey) *dicunt quod neſciunt quot acræ faciunt Virgatam quia aliquando* XLVIII *acræ faciunt Virgatam, & aliquando pauciores. Quatuor Virgatæ faciunt* Hidam. *Dominica* non eſt Hidata. *Perſona tenet terrã ſed neſcitur quantã. Nihil inde facit Domino Abbati, quia eſt Eleemoſyna*, non eſt Hidata, *&c.* Where we ſee as *Virgata* ſo *Hida* was uncertain. Yet in that uncertainty, the whole content of the Town was counted XII Hides, which yet *quantum ad Regem computabatur pro decem Hidis* as the Book ſays, and that *Quatuor Virgatæ faciunt Hidam*, and XLVIII *acræ faciunt virgatam*, whence it muſt follow that CXCII acres, in this place, made a Hide. And according to this incertainty of yard-lands, *Oxgangs*, Selions, Acres, (for they are all to be reckoned alſo according to the ſeveral cuſtoms of Countries) Hides were of an incertain quantity. Divers other Teſtimonies might be brought to this purpoſe. The reſt of the particulars that concerns a Churle becoming a *Thane* in that *Saxon* piece, deſcribes only (as I conceive) the ſtate or faſhion of an eminent Lord of that time, in having a Church for his family and tenants, in keeping a Court for them (which may well be meant in the Burhgate yetl or *Town gate with a Seat*) and in keeping a houſe or entertainment competent to that dignity, which may be underſtood in the Cycenan and Belhuſ or *Kitchin* and *Bel-houſe.* The Bel-houſe may denote the Hall which was the place of ordinary diet and entertainment in the houſes of Lords. It may well ſo ſignifie, if the *Saxons* uſed the like reaſon in impoſing the name on the Lords Hall, as ſome ſay the

[z] *Vide Coke Relat. part. 9. fol.* 124.

[a] *Vide Matth. Paris pag.* 14. *Ed. Lond. &c.*

[b] *Vide ſis Cod. Domeſday Ms. in Hanteſcyre.*

[c] *Temp. Hen.* 3. *Ms. in biblioth. Cotton. & penes Rememorator. Regis in Scaccario.*

the *Italian*, *Spaniſh*, and *French* have done in calling it *Tinello*, *Tinelo* and *Tinel*, which in our Laws [d] alſo is retein'd in *Tinel le roy*, for *the Kings Hall*. They would have it therefore ſo named, becauſe the *tin* or tingling of a Bell at the times of dinner and ſupper in it were ſignified by it. Thus expreſly one *Colade Benevento* in his treatiſe *del gonerno della corte d'un ſignore* in *Roma*, Printed many years ſince in *Rome*. *Il Tinello* (ſaith he) *non men Corrotto a tempi noſtri ne fatti che nel nome, fui coſi damaggior noſtri chiamato per diminutione* (*come jo mi ſtimo*) *da* tinno *voce latina* (he means I think the verb *tinnio*) *quaſi* Tinnello, *cio é picciol ſuono che coſi ſi dice in quella lingua il ſuono de metalli per cioche al ſono d'una piciola campana* (*come ogniun ſia*) *ſi corre a Tinello, il quale è un luogo* (*perche non lo ſapeſſe*) *dove in commune ſi va a mangiare da Cortigiani come al reſettorio da frati. Et era all' hora di tanto honore il mangiare in Tinello quanto è hoggi riputato coſa vile & diſhorrevole.* But in the Law of the reliefs payable after the death of *Thanes*, we have a diſtinction of them into ſeveral ranks, and that according to their tenures, it ſeems, and poſſeſſions. Ðÿþþan Cynincgeſ ðegeneſ Þeneġeata ða him nihſte ſindon (the words of [f] *Canutus* his Laws) IV hoꝛſ. tꝛa ġeꝛaðoloðe. ⁊ tꝛa unġeꝛaðoloðe. ⁊ tꝛa ſꝛaꝛð ⁊ IV ſꝛeꝛa ⁊ ſꝛa ꝓeala ſcÿlda ⁊ helm ⁊ bÿnnnan ⁊ ꝼꝛtiġ mancuſ ġolðeſ. *Ænð* Meðmeꝛa Ðeġna hoꝛſ ⁊ hiſ ġeneðan ⁊ hiſ ꝓæꝛen oþþe halꝼꝼanġe on ꝑeꝛtꝛeaxan ⁊ on Mÿꝛcan tꝛa punð. ⁊ on Eaſt Engla tꝛa punð, ⁊ Cynincgeſ ðegeneſ Þeneġeata mine miðdenum ðe hiſ ſocne hæbbe IV Punðſ ⁊ ġiꝼ he to þa cÿning ꝼoꝛðoꝛ cÿððe hæbbe tꝛa hoꝛſ an ġeꝛaðoloðe ⁊ oþeꝛ unġeꝛaðoloðe ⁊ I. ſꝛunð ⁊ tꝛa ſꝛeꝛa ⁊ tꝛa ſcÿldaſ ⁊ ꝼiꝼtiġ mancoſ ġolðeſ. ⁊ ſe ðe læſſe hæbbe ⁊ læſſe maġe ſÿ II. punð, that is, The *Heregeat or* Relief, or Relevatio (as the old tranſlation turns it) *of the Kings* Thane, *that is next him, is* IV *Horſes, two ſadled, two unſadled, two ſwords,* IV *Spears, as many Shields, one Helmet, one Coat of Mail, and fifty Marks of Gold.* Of a Meðmeꝛa Ðeġna, *or middle Thane* (the old Latine in ſome copies [g] calls him *Mediocris homo quam Angli dicunt* Leſſeþegn, wich is corruptly *Leſpegend* in the publiſhed Foreſt Laws [h] of *Canutus*; and in the tranſlation in *Brampton*'s hiſtory, he is called only *Mediocris Thaynus*) *his Horſe and Furniture, and Arms, or, according to the cuſtom of* Weſtſex *his* Halfange, *and in* Mercland *two pounds, and* Eaſt England *two pounds. And of the* Kings Thane *that hath his ſoke, by the* Daniſh *Laws,* IV *pounds. And if he be nearer the King, two horſes, one ſadled and the other unſadled, and a Sword and two Spears, and two Shields, and fifty Marks of Gold, and if he have leſs, and be not able, two pounds.* And here we ſee the Reliefs of *Thanes* payable variouſly according to the Laws of *Weſtſex*, *Eaſt England*, *Mercland*, and the *Danes*. And yet alſo other differences there were in them, as *Domeſday* witneſſes in the Cuſtoms of *Barkſhire* eſpecially, *Nottinghamſhire*, and *Yorkſhire*, which though they were returned into the Exchequer about twenty years after the Conqueſt (for then was *Domeſday* [i] finiſhed) yet, I preſume, were ſo antient that they were Provincial Laws or Cuſtoms of thoſe Countries alſo in the *Saxon* times. For *Berkſhire* Thanes; *Tainus vel Miles Regis Dominicus* (ſo are the words of *Domeſday*) *moriens pro relevamento dimittebat Regi omnia arma ſua & equum unicum cum ſella & alium ſine ſella. Quod ſi eſſent ei canes vel accipitres, præſentabantur Regi, ut, ſi vellet, accipiret.* And in *Nottinghamſhire*, *Tainus habens pluſquam quatuor Maneria non dat terræ relevationem niſi Regi tantum* VIII *libras, ſi habet ſex tantum vel minus, vicecomiti dat relevationem trium marcarum argenti ubicunque*

England.

[d] 13. Rich. 2. cap. 3.

[e] Cap. 19.

[f] *Leg. Canuti R. cap.* 69.

[g] *Huntingdon. lib.* 6. *Ms. quem olim vidi penes Guil. Craſhaw.*

[h] *conſtit. Foreſt.* § 1, & 2.

[i] *Videſis præfationem ad Edmerum pag.* 4, & 5.

England. *bicunque manet in Burgo vel extra.* And in *York ſhire*, *Relevationem terrarum dant ſolummodo Regi illi* Taini *qui pluſquam ſexta maneria habuerint. Relevatio eſt* VIII *libræ. Si vero ſex tantum maneria vel minus habuerit, Vicecomiti pro Relevatione dat tres marcas argenti. Burgenſes autem* Eboracæ *civitatis non dant Relevationem.*

But of theſe *Thanes* thoſe only that were feudal and were properly called Cyninger Þegenſ or the *King's Thanes* that were next him, that is, they that held of the King in chief by Knights Service were the honorary *Thanes*, and were of the ſame kind with them, that were after the *Normans*, honorary or Parlamentary Barons, and their *Thainlands* only were the honorary *Tainlands*, or ſuch as were afterward Parlamentary Baronies. How into the place of the King's *Thane* that was next him, that of Baron ſucceeded, we ſhew anon, [i] where we ſpeak of Barons after the *Normans*. Now the next feudal title to the King's *Thane* is in that *Saxon* Law of Þeþegeateſ or *Reliefs*, the Meðmeþa Þegen or *Mediocris Thainus*, as they called him who after the *Normans* was often ſtiled a *Vavaſor*; a name that never was honorary here, but only feudal. And if the Middle *Thane* were not honorary, we cannot believe that any of the reſt beneath him were ſo. And as the uſe of Baron (as it is honorary) after the *Normans*, explains the nature of the King's chief *Thane* in the *Saxon* times, ſo doth that of *Vavaſor* that of a *Middle Thane*. To that purpoſe we firſt note here the concurrence of the Name, and then the uſe and nature of the title of *Vavaſor*. For concerning the notation of the word, we ſay no more than what is noted in the dignities of the Empire. The concurrence of the names of *Middle Thane* and *Vavaſor*, appears by that in the *French* Laws of *William* the firſt (where, as *Earl*, *King's Thane*, and *Middle Thane* ſucceeded one the other in the *Saxon* Laws, ſo *Count*, *Baron*, and *Vavaſor* are uſed as the interpreters of them.) And after the Relief of a Count or Earl, and a Baron or King's *Thane*, the Relief of a *Vavaſor* is thus ordained. *De Releiſe* [k] *a Vavaſor a ſon lige Seignur; dedit eſtre quite par le chival ſon piere* (ſo I read it) *tel qu'il avoit a jour de ſa mort, e per ſon halbert, e per ſon haume e per ſon eſcud e per ſa launce, e per S'eſpee. Sil fuſt deſapeile qu'il ne out ne chival ne les armes, per* C *ſolz.* And for ſo much as concerns the uſe of this title of *Vavaſor*, with us, I firſt obſerve here ſome particular teſtimonies of the uſe and continuance of it, and then add my conjecture of the nature of it, that ſo a *Middle Thane* of the *Saxons*, being the better known, we may the better alſo know whether any *Thane* were honorary or no, beſide him that is diſtinctly called the King's *Thane*, in that *Saxon* Law of Reliefs.

i §. 16.

k *Leg. Will. 1. cap. 24. in Not. ad Edmer. pag.* 180.

The uſe and continuance of the name of *Vavaſor* was ſuch that from the *Normans*, until the time of *Henry* IV, it was a name known; but feudal only, not at all honorary. In *Domeſday*, it ſometimes occurrs [l] as a ſynonymie with *Liberi homines Regis*. And in the Laws attributed to *Henry* the firſt, that are yet preſerved [m] in the *Red Book*, the perſons that are reckon'd for thoſe that were to have place in the County Court, are *Epiſcopi, Comites, Vicedomini, Vicarii, Centenarii, Aldermanni, Præfecti, præpoſiti, Barones, Valvaſores, Tuncgravii, & cæteri terrarum Domini diligenter intendentes, ne malorum Impunitas aut* Gravionum *pravitas, vel Judicum ſubverſio ſolita miſeros lamentatione conficiant.* And under the title there *de libertate Valvaſorum; Habeant Vavaſores qui liberè tenent placita* Vitã *vel* Verã *pertinentia ſuper ſuos homines & in ſuo & ſuper alios homines ſi in forisfaciendo retenti vel gravati fuerint.*

l *Ms. Suffolk.* §. 74.

m *Mſs. in Scacc. ex parte Rem. Regis.*

fuerint. Other Laws also of the same King have this passage, [n] *Si modo exurgat (lis) de divisione terrarum, si interest Barones meos Dominicos, tractetur placitum in Curia mea. Et si est inter* Vavasores *duorum Dominorum tractetur in Comitatu, & hoc Duello fiat nisi in iis remanserit.* And in that instrument of accord [o] between *John* Earl of *Moreton*, and *William* Bishop of *Ely* and Chancellor to *Richard* the first; *Concessum est quod* Episcopi, *& Abbates, Comites, et Barones,* Vavasores, *& liberè tenentes non ad voluntatem Justitiarum vel Ministrorum Domini Regis de terris & catallis suis dissaisientur, sed judicio Curiæ Domini Regis secundum legitimas consuetudines & assisas regni tractabuntur vel per mandatum Domini Regis.* Under *Henry* III. also a Writ is directed to [p] the Sheriff of *Wiltshire*, reciting the death of *Andrew Gifford*, who had delivered up the possession of the Barony of *Funtel* in King *John*'s time to *Robert* of *Mandevil*, *Robert Maudit*, *William Cumin*, and *William de Fontibus*, *tanquam rectis hæredibus ipsius Baronis, retentis in manu sua* Vavasariis *spectantibus ad ipsam Baroniam quæ* Vavasariæ *sunt de feodo Comitis de Clare*, and that the Sheriff had seised the Vavasaries into the King's hand, and therefore he was commanded by it to restore them into the hands of those heirs. And *Bracton* mentions *Vavasors* in the like form as the Laws of *William* the first do. Speaking first of Earls, then of Barons, he adds [q] *sunt & alii qui dicuntur* Vavasores, *viri magnæ dignitatis.* And then playing with the word; *Vavasor enim nihil melius dici poterit quam vas fortitum ad valitudinem.* And the Author of [r] *Fleta*; *sub Regibus sunt Comites & Barones, Duces Milites, Magnates,* Vavasores *& alii Subditi ut liberi ut servi, qui omnes ætatem* XII *annorum ad minus habentes ferre tenentur Regi fidelitatis Sacramentum. Alioquin non habebunt Warrantum in terra ejus remanere.* The Lands that a *Vavasor* held was called a *Vavasory. Quod dicitur* (saith [s] *Bracton*) *de Baronia non est observandum in* Vavasoria *vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia.* And that the use of it continued at least until the age of *Henry* IV. appears by that instrument touching the dissolution of the bond of obedience to King *Richard.* For whereas in *Thomas* of *Walsingham*, it is directed *omnibus & singulis Dominis, Archiepiscopis, Episcopis, & Prælatis, Ducibus, Marchionibus, & Comitibus, Baronibus, Militibus, Vassallibus quibuscunque ac cæteris hominibus*; the Parlament Roll [t] hath the same syllables until *Militibus*, and then there follows *vasallis &* Valvasoribus *ac cæteris hominibus.* It is used also in *Chaucer* that lived in the same time as a known word. Speaking of his *Frankelin.*

England.

n *Cod. Ms. Vet. Legum.*

o *Rog. de Hoveden. pag. 700. Ed. Fr.*

p *Clauf 4. Hen. 3. part. 1. membran. 2.*

q *Lib. 1. de rer. divis. cap. 8. §. 4.*

r *Ms. lib. 1. cap. 5.*

s *Lib. 2. de acq. rer. dom. cap. 39. §.*

t *Rot. Parl. 1. Hen. 4. art. 52.*

At Sessions (saith he) was he Lord and Sire
Full oftime he was Knight of the Shire;
An Anlace and a Gipsere all of silk
Hung at his girdle white as morrow milk.
A Sheriffe had he been and a Coronour
Was no where such a worthy Vavasour.

So some copies have it. Others have *Countour* for *Coronour.* And, I remember, I once noted out of an old Romant also, *Countour* thus riming to *Vavasour.*

Sage, e Prince, Duc e Contur,
Baron, demeine Vavasur.

Now

England. Now for the Nature of a *Vavasour*; though we perhaps may soon miss in giving an exact definition of him, yet it is plain that he was ever beneath a Baron. And it seems he was in the more antient times only a tenant by Knights Service, that either held of a mesne Lord, and not immediately of the King, or at least of the King as of an honour or Mannour, and not in Chief both which excluded him from the dignity of a Baron by tenure, as all were until about the end of King *John*, which we anon shew where we speak of Barons after the *Normans*. And of the same nature, I conceive, the *Middle Thanes* of the *Saxon* times to have been, and so no such *Thanes* as were honorary, nor their *Tainlands* honorary Baronies. And of the several possessions belonging to those two dignities *Ealdorman* or *Earl*, and *Thane* in the *Saxon* times, hitherto.

V. Their *Jurisdiction* (which remains here to be spoken of) was exercised either in the *Territories of the County*, or in the *greatest Court* or *Councel* of the Kingdom which was the *Parlament* of that age, called the Witenagemote or Micel Synod. Earldormen or Earls had, it seems, Jurisdiction in their Ealdordoms or Earldoms or the Territories that denominated them; But so, that if the whole Territory were the Ealdorman's own (as in the case of *Ethelred* Ealdorman of *Mercland* under King *Alfred*, and King *Edward* the Elder, as is before shewed) then the Courts held and the profits of the Jurisdiction were to his own use and benefit. But if he had not the Territory that denominated him, but only some particular revenue in it belonging to his dignity, then it seems his Jurisdiction and Courts (saving perhaps in those possessions which were his own) were held by him to the King's use and benefit, that is, he commonly supplyed the immediate office which the Sheriffs have regularly used to do in Counties that are not *Palatin*. And, whereas *Ingulphus* says that *Alfred* appointed his *Justiciarii* and *Vicecomites* through his Counties; I understand that of such Counties chiefly as belonged not to any Ealdorman, as his possessions. For the Government of other Counties was sufficiently established by making Ealdormen of them. And the Scyregemot (which was a Court kept twice every [u] year, as the Sheriffs turn is at this day) was held by the Bishop of the Diocess, and the Ealdorman (in Shires that had Ealdormen) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King. And so both the Ecclesiastical and Temporal Laws were together given in charge to the Countrey. And there is expres testimony in King *Ethelred's* [x] Laws, that the Ealdorman or Earl was usually a Temporal Judge immediate to the King. And to this purpose is that of *Asserius Menevensis*, in his life of King *Alfred*, very observable. He speaking of the Administration of Justice under that King, calls them who were Judges immediate to the King, *Comites* and *Præpositi*, that is, the Ealdormen in their Ealdordoms and the Sheriffs or [y] highgepeafer in their Shires or Counties. Though according to some especial custom, grant, or provision, a Sheriff also or *Præpositus* in some places sate together with the Ealdorman; as in an example anon brought out of the Book of *Ramsey*. But of King *Alfred*; *Studebat is quoque* (saith *Asserius*) *in Judiciis, etiam propter Nobilium & ignobilium suorum utilitatem, qui sæpissimè in concionibus* Comitum & Præpositorum *pertinacissimè inter se dissentiebant (Ita ut penè nullus eorum, quicquid à* Comitibus & Præpositis *judicatum fuisset verum esse* concede-

u *Videsis leg. Edgar. cap. 5. & Not. ad Edmer. pag. 165, & 166. Historiam u strum de decimis, cap. 14. & 1. & leg. Canut. cap 17. Lambard.*

x *Leg. Ethelredi cap. 6. vide etiam leg. Inæ cap. 3. leg. Aluredi cap. 33, 34. & præfat. leg. Athelstani.*

y *Vide leg. Edwardi Senioris, cap. 11. & 12 Hen. 7. fol. 17. b*

concederet) qui pertinaci dissentione obstinatissime compulsi, Regis subire judicium singuli subarrabant. And when in suits therefore that upon appeals (or as upon Writs of Errors) came before him from his Ealdormen or Sheriffs, he found error and injustice which they would offer to excuse from their own Ignorance, he would with sharp reprehension command them to study better and to make themselves able, or to leave their places. *Aut terrenarum potestatum ministeria quæ habetis illico dimittatis, aut sapientiæ studiis* (so *Asserius* reports of him) *multo devotiùs de cetero ut studeatis Impero. Quibus auditis verbis, perterriti, veluti pro maxima vindicta correcti,* Comites *et* Præpositi *ad æquitatis discendæ studium totis viribus se vertere nitebantur, ita ut mirum in modum illiterati ab infantia* Comites *pene omnes* Præpositi *ac ministri literatoriæ arti studerent, malentes insuetam disciplinam quam laborioſe discere quam potestatum ministeria dimittere.* The exact form or nature of the Jurisdiction of those Earls or Ealdormen appears not. Most parts of the state of the *Saxon* government are so obscure that we can see only steps or torn reliques of them, rather than so much as might give a full satisfaction. Therefore I abstain here from any further general assertion touching the jurisdiction that pertained to the dignity of their Ealdormen or Lords, and insert only some such cases and other testimonies of those times, as being well considered by better judgments, and compar'd with the published *Saxon* Laws may afford perhaps more certain knowledge of the true state of their jurisdiction, both voluntary and contentious, than any conclusion of mine own fancy could warrant. One *Siferth* of *Dunham* lying sick at *Lindune* in the Isle of *Ely*, under King [z] *Edgar*, sent for *Brithnoth* Abbot of *Ely*, and divers of the Monks. *Aderantq; ibi* (saith one of the Books of *Ely*) Aluricus *de* **Wickam**, Æthelstanus *et filius suus* Wine, Leovricus, Brihtelmus, Alfelmus *de* **Wedewinden** *et* Ædericus *unus de proceribus* Ajelwini **Alderman** *et* Oswaldus *presbyter et* Sexferdus *cum filio suo. Tum* Brithnothus *Abbas testamentum hujus* Siferthi *coram uxore et coram filia sua coramq; omnibus supra memoratis fecit scribi in tribus Cyrographis coramq; cunctis fecit recitari, lectumq; fecit incidi, unamq; partem Cyrographi retinuit* Siferthus, *alteram autem dedit Abbati, tertiam vero misit statim per præfatum* Brihtelmum Ajelwino **Alderman** *qui tunc temporis degebat in* **Ely** (he was Ealdorman of *East-england*, whereof that was part) *et petiit ab eo ut suum testamentum ita stare concessisset quomodo Abbas illud scripserat et ordinaverat apud* **Lindune** *coram prædictorum testimonio virorum. Cum itaq;* Ajelwinus **Alderman** *hoc audisset et Cyrographum vidisset, remisit illico ad eum* Wlnothum *de* **Stowe** *cum* Brihtelmo *scisitatusq; est ab eo quid aut quomodo vellet de testamento suo, qui mox per eosdem renunciavit ei, sic suum testamentum absq; omni contradictione vel mutatione se velle stare sicuti præfatus Abbas illud in Cyrographo posuerat. Quod ut* Ajelwinus **Alderman** *audivit totum concessit ut staret sicuti ipse* Siverthus *testatus erat.* Here we see a kind of probat of a Will before the Ealdorman, but observe also that this Ealdorman was besides [a] *Aldermannus totius Angliæ.* And in the same Book, Ajelwin **Alderman** *venit et tenuit placitum cum* toto hundredo or *cum* III *hundredis* or the like often occurrs. And in a case wherein Judgment upon default was given under King *Edward*, that succeeded *Edgar*, touching the possession of *Stany* and the fishing in it between the Abbot of *Ely* demandant, and one *Begmund de Holand* and others tenants that had disseised the Abbey *sine judicio et*

England

z *Cod. Elienſ. Ms. de Operibus B. Adilwoldi Epiſcopi Wintonienſis. Ex Saxonico idiomate verſus in Latinum ſub Henrico 1.*

a *Vide ſupra* §. 2.

England. *ſine lege civium &* Hundretanorum, as the ſame Book ſays, *Venit* Agelwinus **Alderman** *ad* Ely *fueruntq;* Begmundus *& alii pro hac cauſa vocati et ſummoniti ad placitum Civium et Hundretanorum* ſemel & ſecundò *ſed et multociens, nunquam verò venire volebant. Abbas tamen non ideò deſiſtebat ſed infra urbem et extra ad placita renovabat, et ſæpè reiterabat hanc eandem cauſam, et querimoniam inde populo faciebat. Tandem veniens* Agelwinus **Alderman** *ad* **Grantbrugc**, *habuit ibi placitum Civium et Hundretanorum coram* XXIV *Judicibus* (that number of Judges is elſewhere mentioned in the like caſes in the ſame Book) *ſubtus* **Thernigfield** *propè* **Weidenberge**. *Narravit igitur Abbas palam omnibus quomodo* Begmundus *et cognati præfati viduæ* (the kindred of one *Aſwen* a Widow there before ſpoken of) *injuſtè diripuerant S. Ætheldrythæ* **Staney**, *et quod ſæpe fuerant ſummoniti pro illa cauſa ad placitum nec unquam venire voluerant. Tunc Judicantes ſtatuerunt, ut Abbas ſuam terram ſcilicet* **Staney** *cum palude et piſcatione habere deberet. Statuerunt etiam ut* Begmundus *et cognati præfati viduæ ſuum piſcem de* VI *annis* (the ſervants of the Abbey had formerly made a Leaſe at will to them of the fiſhing, reſerving the rent of MM Eels) *Abbati ſolverent et perſolverent, et Regi forisfacturam darent. Statuerunt quoq; ut ſi ſponte ſua hoc reddere nollent, captione ſuæ pecuniæ conſtanti juſtificarentur. Præcepit itaque* Agelwinus **Alderman** *ut* Osketulus *et* Oſwi *de* **Bere** *et* Godere *de* Ely *eandem terram circuiſſent et Abbatem ſuper eam duxiſſent et hoc totum perfeciſſent, qui ſic fecerunt totumq; ſic peractum eſt.* Here is a judgment given and execution upon it by command of this Ealdorman. Some other of like nature are in the ſame Book where alſo we have the ſame Ealdorman's Court held at another time thus expreſſed *Magna concio erat ſtatuta apud* **Witleſford** *& convenerunt illic* Agelwinus **Alderman** *& fratres ſui* Alfwoldus *&* Athelſius *& Epiſcopus* Aſwi (he was Biſhop of the Dioceſs) *&* Wlfled *relicta* Wolſtani *& omnes meliores Concionatores de Comitatu Cantabrigiæ*, where a caſe was adjudged touching the Inheritance of *Snafham* and *Berley*, within the ſame Ealdordom. And in a book of *Ramſey*, one *Alfnoth* demanded certain lands in *Swafham* againſt the Abbot of *Ramſey*, in a Court where the ſame Ealdorman together with one *Adric* the King's Sheriff (which hapned as I conceive, by reaſon of ſome ſpecial proviſion, grant, or cuſtom) ſate as Judges. And the whole caſe is thus there reported. *Quidam* Alfnothus *filius* Godwini *eandem terram contra Eccleſiam improbe calumniatus, fratrem* Adnothum, *utpote loci ejuſdem* (the Authour means the Abbey) *Præpoſitum et Proviſorem cum aliquot fratribus ſuper ea reſponſuram apud* **Wendleſbiri** *coram Judicibus apparere coegit, cui foro* Ailwinus Aldermannus *et* Ædricus *Regis Præpoſitus judices præſidebant. Lite igitur inchoata et rationibus hinc inde auditis, ex conſilio Magnatorum qui affuerunt;* XXXVI *Barones* (the word *Barones* is uſed here for *Thanes*, I think. For the Author wrote about the time of King *Stephen*, when *Baro* was in uſe, as it was not in the *Saxon* times) *de amicis utriuſque partis pari numero electos ipſi judices conſtituerunt qui cauſam judiciali inter eos ſententia dirimerent quibus ad decernendum exeuntibus et rem diutius examinantibus interim idem* Alfnothus *coram Judicibus fratrem* Ædnothum *interrogavit et* Alfwinum *Monacum qui cum eo venerat quanam ratione et cujus donatoris nomine eandem terram poſſediſſent. Cui frater* Ædnothus *conſtanti voce reſpondens, Illuſtris viri qui eam quiete & abſque omni calumnia tenuerat et liberè donare*

b *Ms. penes V. C. Hen. Spelmanum Equitem Auratum.*

nare poterat juſto meræ donationis titulo ſe eam poſſediſſe affirmavit, quem cum calumniator interrogaret ſi aſſertionis ſuæ veritatem corporalis præſtatione Sacramenti cum præfato Monacho ſocio ſuo probare auderet, ut omnis deinceps omnino controverſia terminaretur, frater Ædnothus *de puritate conſcientiæ ſecurus conſenſit. Omnibus itaq; ſententiam approbantibus, ſolus* Aldermannus *vir probatæ prudentiæ & diſcretionis, viros profeſſionis monaſticæ coram poteſtate ſeculari juramentum præſtare debere abjudicans prorupit in medium ſe* Rameſeienſis *Eccleſiæ advocatum, ſe Poſſeſſionum ejus tutorem, ſe fraternæ donationis* (for the conveyance under which the Abbot claimed, was made by *Alfwold* brother to this Ealdorman) *& fidei teſtem, ad ſe hujus juratoriæ cautionis exhibitionem pertinere allegans. Videntes igitur omnes conſtantiam viri & fidelitatem cognoſcentes propter reverentiam tam ſublimis perſonæ & propter clareſcentiam veritatis judicio præſtandæ jurationis neceſſitatem exemerunt; præfati* Alfnothi *pro falſa calumnia & religioſorum virorum vexatione injuſta, univerſa tenura et omnibus catallis Regis miſericordiæ adjudicatis. Sed* Ædrico *Regis Præpoſito et cæteris qui aderant magnatis operam dantibus, idem* Alfnothus *ſucceſſuum ſuorum diſpendium providens, ſi tanti viri indignationem erga ſe conſeneſcere permiſiſſet eadem terra publice abjurata et fide coram omnibus interpoſita quod nunquam ulterius aliquid calumniæ ſuper ea præſumeret machinari, taliter ejus gratiam ſibi conciliaſſe gaviſus eſt.* The complaints alſo of thoſe beyond *Humber* againſt their Earl *Toſti* under the Confeſſor belong to this place. *Pro immenſitate Tributi quod injuſtè acceperat, eum exlegaverunt,* as *Florentius*[c] ſays or utlagedon heopa Eorl Toſti (as we read in ſome *Saxon*[d] Annals) or outlawed their Earl *Toſti.* And they profeſſed *ſe nullius Ducis ferociam pati poſſe; à majoribus didiciſſe, aut libertatem, aut mortem,* as [e] *William* of *Malmesbury,* in whom we have *Comitatum regere* to expreſs their Juriſdiction in the County. And more particulars are obvious in him, and in other publiſhed writers of the affairs of that time, to this purpoſe. But we omit them, and conclude here with ſome other teſtimonies which are not publickly extant. In the life of Saint *Cutbert,* written [f] about *Henry* the firſt, the Criminal Juriſdiction of Earl *Toſti* is thus remember'd: *Dum* Toſtius *Comes ille cunctis notiſſimus in partibus* Northamimbranis *Comitatū adminiſtraret, quidam pravæ actionis vir nomine* Aldan Hamal *ab eo comprehenſus compedibus arctiſſimè conſtringitur. Multa enim mala fecerat, furtis atq; rapinis, homicidiis atq; incendiis Comitem ſæpe offenderat, nec unquam prius comprehendi poterat, cujus parentes & amici compaſſionis affectu permoti, multa pro eo ne capite plecteretur Comiti offerebant & plura promittebant;* and the Author goes on with this *Hamal*'s taking ſanctuary at Saint *Cutbert*'s Shrine. Among the old *Saxon* cuſtoms[g] of *Yorkeſhire* alſo; *Pax à Comite data & infracta à quolibet ipſi Comiti per* IV Hundrez *emendatur; unumquodq;* VIII *libris. Si quis ſecundum legem exulatus fuerit, nullus niſi Rex ei pacem dabit. Si verò Comes vel Vicecomes aliquem de regione foras miſerint ipſi eum revocare & pacem ei dare poſſunt.* And of the Juriſdiction of the *Saxon* Earls or Ealdormen in their Counties, hitherto. That of the *Thanes,* we may conceive to have been of like nature in their *Tainlands,* to that of the juriſdiction of Lords in their Mannors. And what elſe an Earl's intereſt was in the Juriſdiction of the County, may be partly collected from that where we ſee XXXVI Barons (as the Writers ſince the *Norman* times often call *Thanes*) appointed as Delegate Judges in that caſe be-

England.

c *Sub an.* 1065
d *Ms. an.* 1064 *Anonymi.*

e *De geſt. Reg. lib* 2. *pag* 83. *Ed. Franc. & vide Leg. Edwardi Confeſſ. cap.* 12.

f *Ms. Anonymus vide, ſi placet,* Florent. Wigorn. *anno* 1051. *ubi de* Godwino *Comite, &c.*

g In *Domeſday*

England. tween *Alfnoth* and the Abbey of *Ramsey* before cited in Ealdorman *Ailwins* County Court under King *Edgar*.

VI. That of their *Jurisdiction* in the greatest Court or Councel, or the ꝑitenagemote, consisted either in a *deliberative power* which concerned their assenting to new Laws, and advising in matter of state, or in a judicial, which was, of giving judgments upon suits or complaints in the same Court. For the first; King *Ine* (of *Westsex*) about DCCXI made his Laws mid ȝeþeahe ⁊ mid lære of his Bishops ⁊ mid ealdum minum ealdormannum ⁊ þam yldestan ꝑitan minre þeode ⁊ eac mycelre somnunge ȝodes þeowena, which the old translation renders thus, *Exhortatione* [h] *& doctrina*, of the Bishops, *& omnium Aldermannorum meorum & Seniorum sapientum regni mei multaque congregatione servorum Dei.* To this place may belong that of King *Ethelbert* his ordaining, *Decreta*[i] *Judiciorum juxta exempla Romanorum cum consilio sapientum.* And when *Edwin* King of *Northumberland* was perswaded to become a Christian, he consulted *cum Principibus & Consiliariis suis*, or with his Ealdormannum ⁊ ꝑitum as King *Alfred* turns those words [k] of *Bede*. And then *Habito cum sapientibus consilio*, saith he, every one of them gave his voice severally for the bringing of Christianity into the Kingdom. More such testimonies are in the *Saxon* Laws that are published. And *Cynewlf* King of *Westsex* writes [l] to *Lullus* Bishop of *Mentz*, *una cum Episcopis meis necnon cum caterva satraparum*, touching matter of religion in his Kingdom, where *Satrapæ* signifies, it seems, the lay dignities as *Proceres & optimates* often doth. So when under *Ethelulph* King of *Westsex* that grant of Tithe was made to the Church in a ꝑitenagemote or Parlament held at *Winchester* in DCCCLV, it was done *præsentibus & subscribentibus Archiepiscopis & Episcopis Angliæ universis necnon*, Beorredo *Rege* Merciæ & Edmundo Eastanglorum *Rege*, *Abbatum*, *& Abbatissarum*, *Ducum*, *Comitum*, *Procerum totius terræ*, *aliorumque fidelium infinita multitudine qui omnes regium Chyrographum laudaverunt. Dignitates verò sua nomina subscripserunt*, as *Ingulphus* his words are. And under King *Eldred* in DCCCCXLVIII, the same Author saies that, *In festo Nativitatis B.* Mariæ, *universi Magnates Regni per Regium edictum summoniti, tam Archiepiscopi & Episcopi, ac Abbates, quam cæteri totius regni Proceres & optimates Londoniis convenerant ad tractandum de negotiis publicis totius regni.* Where the summoning of a ꝑitenagemote or Parlament of that time is also expresly, we see, remembred. Other passages occurr in the stories of those ages to this purpose.

Their *Judicial* power in those ꝑitenagemotes may be observed especially in these two cases; the first of a Civil proceeding there (and some other such civil proceedings are yet[m] extant) the other of a criminal. That of the Civil proceeding was under King *Eldred*, son to *Edgar*. One *Lessi* had bought lands in the Isle of *Ely*, of *Adelwold* Bishop of *Winchester*, and not only denyed to pay for them, but also disseised the Bishop of three Mannors *Burch*, *Undeles* and *Kateringes* which the Bishop recovered by Judgment given by the Ealdormen and *Thanes* in the Witenagemote. So I understand this report of the case in an [n] antient Book of *Ely*. "Edicitur placitum apud *Londoniam*, quo "dum Duces, Principes, Satrapæ, Rethores & Causidici ex omni parte "confluxerant, beatus *Ædelwoldus* præfatum *Lessium* in jus protraxit "& coram cunctis suam causam & injuriam ac rapinam quam ipse *Leof-*

sius

h *J. Brampton hist. Jornall. Ms.*

i *Bed. Hist. Eccles. lib. 2. cap. 5.*

k *Ibid. lib. 2. cap. 13.*

l *Bonifac. Mog. Epist. 112.*

m *Vide ad extremum voluminis satis grandis de vit. SS. Ms. in bibl. Cottoniana.*

n *Ms. de operibus B. Edelwaldi Episcopi.*

"*ſius* intulerat ſanctæ Eccleſiæ ex ordine patefecit. Qua re bene & "rite ac aperte ab omnibus diſcuſſa, omnes Deo & beato *Æthelwoldo* "per judicium reddiderunt **Burch** & **Undelas** & **Ratcringes**. Ju- "dicaverunt etiam ut *Leofſius* Epiſcopo totum damnum ſuum ſuppleret "& *Mundam* [o] ſuam redderet, de rapina vero Regis forisfacturam emen- "daret dato pretio genealogiæ ſuæ. Poſt hæc infra octavum diem "convenerunt iterum ad **Northamtune**, & congregata ibi tota provin- "cia ſive Vicecomitatu, coram cunctis iterum cauſam ſupradictam pate- "fecerunt. Qua patefacta ac declarata ut præjudicatum erat apud *Lon-* "*doniam*, judicaverunt & iſti apud **Northamtune**. Quo facto omnis "populus cum jurejurando in Chriſti cruce reddiderunt Epiſcopo quæ "ſua erant, ſcilicet **Burch**, & **Undelas** & **Ratcringes**.

England.

o *Mundè* Sa- xonice pax di- citur. Sed & ſa- tisfactio nti hic, ni fallor, interpretatur.

The caſe of Criminal proceeding, is that again Earl *Godwin*. He having had a trial before the Lords, under King *Hardicnut* (*coram proceribus regni licet falſo ſe purgarat*, ſaith [p] *Brampton*) touching the death of *Alfred*, ſon to King *Ethelred*, and brother to him that was afterward *Edward* the Confeſſor, had fled out of *England*; and that as it ſeems, upon ſome judgment of baniſhment, or [q] at leaſt of an outlary given againſt him, and that alſo in a pitenagemote or Parliament. And upon his return, with hope of *Edward* the Confeſſor's favour, he ſollicited the Lords to intercede for him with the King. In the time of his return the pitenagemote or the Parlament ſate at *London*. *Rex & omnes Regni Magnates ad Parliamentum tunc fuerant* (as *Brampton's* [r] words are that relates it. And they *ſuper hoc* (ſaith he) *conſilio inter eos deliberato ipſum coram Rege pro gratia obtinenda ſecum dixerunt, ſed ſtatim cum Rex eum intuitus eſſet, de proditione & morte* Alfredi *fratris ſui ipſum appellavit in hæc verba.* Proditor *Godwine*, Ego te appello de morte *Alfredi* fratris mei quem proditionalitèr occidiſti. *Tum* Godwinus *excuſando reſpondit*, Domine mi Rex ſalva reverentia & gratia veſtra, pace, & dominatione, fratrem veſtrum nunquam prodidi nec occidi; unde ſuper hoc pono me in conſideratione Curiæ veſtræ. *Tunc dixit Rex, Clariſſimi Domini* Comites & Barones *terræ* (where *Barones* denotes *Thanes*) *qui eſtis homines mei ligii modo hic congregati & apellum meum reſponſumque* Godwini *audiiſtis*; *Volo quod inter Nos in iſta appellatione rectum judicium decernatis & debitam Juſtitiam faciatis. Comitibus vero & Baronibus ſuper hoc adinvicem tractantibus, quidam inter eos juſto judicio faciendo diverſimodo ſentiebant. Alii enim dicebant, quod nunquam per Homagium, ſervitium, ſeu fidelitatem* Godwinus *Regi extitit alligatus & ideò Proditor ſuus non fuit, & quod ipſum etiam manibus ſuis non occiderat. Alii verò dixerunt quod Comes, nec Baro, nec aliquis Regi ſubditus* [s] *bellum contra Regem in appellatione ſua de lege poteſt vadiare, ſed in toto ponere in miſericordia ſua & emendas ſibi offerre competentes. Tunc* Leofricus *Conſul* Ceſtriæ, *probus homo quoad Deum & Seculum, dixit*; *Comes, inquit,* Godwinus, *poſt Regem eſt homo melioris parentelæ totius Angliæ & dedicere non poteſt quin per conſilium ſuum* Alfredus *frater Regis interemptus fuit, unde pro me conſidero quod ipſemet & filius ſuus & nos omnes* XII *Comites qui amici & conſanguinei ſui ſumus coram Rege humiliter procedamus onerati cum tanto auro & argento quantum inter brachia ſua quilibet noſtrum poterit bajulare, illud ſibi pro ſuo tranſgreſſu offerendo & ſuppliciter deprecando. Et ipſe malevolentiam ſuam rancorem & iram Comiti condonet, & acceptis homagio ſuo & fidelitate terras ſuas ſibi integre reſtituat & retradat. Illi autem omnes, ſub iſta formâ*

p *MS Hiſt Ford. pag.* 78.

q *Videſis Flor. Wigorn. anno* 1051.

r *Ibid. pag.* 77. *b.*

s *Battaile, or ſingle Combat.*

theſaurè

England. *theſauro ſe ornantes, & ad Regem accedentes ſeriem & modum conſiderationis eorum ſibi demonſtrabant; quorum conſiderationi Rex contradicere nolens quicquid judicaverunt per omnia ratificavit.* The circumſtances that belong to this caſe are variouſly expreſſed in the publiſhed ſtories of *William* of *Malmesbury*, *Huntingdon*, *Hoveden*, *Florentius* and others. But it ſeems by *Florentius*, that this was in the *Conſilium*, as he calls it, or ꝑlenagemote held in MLII or the IX year of the Confeſſor. For then, he ſaies, was the Earl reconciled to the King's favour in that Court, though neither he nor any other relate this proceeding as *Brampton* doth. What may perhaps be expected here touching the quantity of Earldoms and Baronies about the end of the *Saxon* times, out of the *modus tenendi Parliamentum*, is anon added with a further conſideration upon it, where we ſpeak of
[t] § 26. [t] Barons.

VII. Having thus gone through the dignities of *Ealdorman* or *Earl*, and *Thane*, which were honorary and feudal in the *Saxon* times, we come to the Titles of *Earl* and *Baron*, as they have ſucceeded them, and be in uſe with us ſince the coming of the *Normans*. And firſt of the Title of *Earl* or *Comes*. For now *Comes* only, literally tranſlates our Title of *Earl*. And ſince the *Normans*, it is very rare, if we find at all, but I think we find not at all, the Title of an Earl, as it is a peculiar Title, tranſlated in any writer or otherwiſe by any of thoſe other words which were equivalent for *Ealdorman* and *Earl* in the *Saxon* times, beſides thoſe of *Comes*, *Conſul* and *Dux*. But thoſe two *Conſul* and *Dux* long ſince grew out of uſe. *Conſul* is often uſed for *Earl* in the time of the firſt age of the *Norman* Kings, in *William* of *Malmesbury*, *Huntingdon*, *Hoveden*, and ſome ſuch more. But about King *Stephen*, this kind of uſe of that word ended. Only [u] *Bracton* that wrote under *Henry* the III, ſaies indeed, that *Comites dici poſſunt Conſules à conſulendo.* *Dux* occurrs but rarely for any of our Earls, ſince the *Normans*. *William* of *Malmesbury* indeed ſaies, that *Walker* Biſhop of *Durham*, under *William* the firſt, was [x] *Dux pariter provinciæ & Epiſcopus.* But *Dux provinciæ* there may perhaps denote *Sheriffe of Northumberland* then *Earl*, whereof more hereafter. And the ſame Monk in his relation of *William* the ſecond his expoſtulation with *Odo* Earl of *Kent*, *Roger* of *Montgomery* Earl of *Arundel* and others that rebelled againſt him, makes him ſay, that he was very willing they ſhould have all reaſonable ſatisfaction in whatſoever they would demand; only he wiſhed them that they ſhould take heed that they brought not his Father's Judgment into queſtion. *Quod ſi* [y] *de ſe putaverint aſpernandum, de ſeipſis caveant exemplum. Idem enim ſe Regem qui illos* Duces *fecerat.* And to this purpoſe might ſome paſſages be remembred out of [z] *Huntingdon* and *Hoveden*, where *Robert* Earl of *Gloceſter* (ſon to *Henry* the firſt) is ſometimes called *Dux* as he is alſo by *Geoffry* of *Monmouth* in his Epiſtle Dedicatory to him. But this is not thus uſed (as far as I have obſerved) by any that have written ſince that remoter age. Neither find I the Title of *Dux* or *Conſul* in any legal record or inſtrument for an Engliſh Earl, ſince the coming of the *Normans*. But alwaies *Comes*, in thoſe kind of Teſtimonies, interpret it. And till about *Richard* the firſt's time, it was moſt frequent for the Earls to uſe the addition of *Comes* to their Chriſtian names without their ſhires, as *Alanus Comes*, *Rogerus Comes*, *Hugo Comes*, and

[u] *De rer. diviſ. lib.* 1. *cap.* 8. §. 2.

[x] *De Geſt. Pontif. lib.* 3.

[y] *Idem de geſt. Reg. lib.* 4. *pag.* 120. *Ed. Fr.*

[z] *Hiſt. lib.* 8. *pag.* 390. & 931. & *Hoveden Annal.* 485. *Ed. Fr.*

and such more which we see both in *Domesday*, and in many Charters of that age. *William* the first, after his victory against King *Harold* and the English Earls and *Thanes* that took part with *Harold* (whence it fell out that they forfeited their Estates to King *William* that pretended at least, by the just Titles both of gift and Inheritance, a right to the Crown of *England*) gave most of the *Earldoms* and *Baronies*, or *Tainlands* to his *Normans*, though some also to the *English*, and to such as had right derived from the *English*, that were Earls in the *Saxon* times; as we see in that example of *Gospatric* Earl of *Northumberland* before [a] cited; but so large was his bounty towards his *Normans*, that (as *Ingulphus* saies who lived in Court with him) *Comitatus et Baronias, Episcopatus, et Prælatus totius terræ suis Normannis Rex distribuit. Et vix aliquem Anglicum ad honoris statum, vel alicujus Dominii Principatum ascendere permisit.* *England.*

[a] §. 3.

The *Creations* and the *Nature* of our Earls have been various since that time. But before we come further to those Creations and Nature, the Opinion or Fancy of an Age or two after the coming of the *Normans* touching the name of *Comes* with us is observable. An Opinion was much received in those Ages, that the reason why *Comes* expressed an Earl, was because he was *Comes et socius Fisco in percipiendis*, that is, because he had a third part of the profits of the Pleas of the County payed him by the Sheriff, the other two going to the Exchequer for the King; in such a sence as it is used in that of *Cicero*, [b] *Socius atque Comes tum honoris tum etiam calamitatis.* This we find in that Dialogue *De Scaccario* attributed *to* [c] *Gervasius Tilburiensis*, that lived under *Henry* the Second. *Comes est*, (saith he) *qui tertiam partem & portionem eorum qui de placitis proveniunt in Comitatu quolibet, percipit. Summa namque illa quæ nomine firmæ requiritur à Vicecomite tota non exurgit ex fundorum redditibus, sed ex magna parte de placitis provenit & horum tertiam partem* Comes *percipit, qui ideo sic dicitur quia fisco socius est &* Comes *in percipiendis.* So in an antient Book [d] of *Battel* Abbey written about King *Stephen*; it is reported that *William* the First gave the Manor of *Wy* in *Kent* to that Abbey, *Cum omnibus appenditiis suis septem* Swillingarum, id est, *Hidarum, ex sua Dominica Corona, ita liberum et quietum, sicut ipse liberius et quietius tenuit vel ut Rex dare potuit:* and that the dignity of that Mannor was such, *ut cum suo Hundredo, viginti duobus Hundredis et dimidio ad Socnam illius pertinentibus præesset, de quibus omnibus quotiens ad Comitatus vel ad alias Consuetudinales Collectiones convenire debent, Vicecomes de* **Chent**, *præposito de* Wy *vel ministro ejus loco et termino designato literis suis sigillatis mandare debet, et* * *ipse deinde consuetudinaliter summonere. Quibus collectis, de omnibus placitis et forisfacturis prædictorum Hundredorum præpositus de* Wy *vel minister ejus vadimonia acciperet et duos denarios similiter.* That is, the two parts of the profits of the Pleas of the County Court which was given by the King to the Abbey; the third part being at the time of the gift in *Odo* Bishop of *Bayeux*, and Earl of *Kent*. For *Consuetudinaliter* (saies the Book) *per totam Angliam mos antiquitus pro lege inoleverat*, Comites *provinciarum tertium denarium sibi obtinere.* And then; *Inde enim* Comites *dicebantur. Unde quia tunc Episcopo* Bajocensi Odoni, *fratri scilicet suo, Rex* Cantiæ *Comitatum totum dederat liberum & concesserat, idcirco Ecclesiæ suæ de Bello duos quos ipse habebat in Dominio suo denarios dedit. Tertio ab Episcopo, cui Comitatus cesserat, retento.* And sometimes in the old Creations (as appears anon more largely) the third

[b] *Orat. pro Sylla.*

[c] *Ms. penes Camerarios Scaccarii.*

[d] *Ms. De fund. Ecclesiæ Bell.*

* *Ipsum.*

England. third peny is granted with this immediate clauſe *unde Comes eſt*, and ſometimes, *ſicut Comes habere debet in Comitatu ſuo*, as if alſo the Counſel, that drew the Patents, had been poſſeſſed of the like Opinion for the reaſon of the name. It is true, that this third peny did belong to divers antient Earls ſince the *Normans*. And ſomewhat is before ſhewed for the third part of profits belonging to them in the *Saxon* times. We ſee here the Earl of *Kent* had it under *William* the Firſt. After, the Earls of *Arundel*, of *Oxford*, of *Eſſex*, of *Norfolk*, of *Devonſhire*, and ſome others likewiſe antiently had it. And ſometimes this third part was collected by another appointed by the Earl to wait on the Sheriffs Court to receive it as we ſee by that cloſe Writ of *Henry* III. to the Sheriffs of *Lincoln*, in the behalf of *Randal* Earl of *Cheſter* and *Lincoln*, commanding him that he ſhould receive ſuch a Clerk as the Earl ſhould authoriſe by his Letters, *Ad* [e] *eundum tecum per Comitatum* Lincolniæ *et ad recipiendum tertium denarium de placitis Comitatus ejuſdem nomine* Comitis Lincolniæ, *ad opus ipſius* Comitis *ſicut eidem illum tertium denarium conceſſimus*. But for the moſt part, it was reduced to an annual certainty, and was payed ſometimes by the Sheriff out of the Farm of [f] the County, ſometimes by *liberate*, out of the Exchequer. As the Earl of *Norfolk* from thoſe elder times till the thirtieth of [g] *Edward* the Firſt, had XXXVIII pounds VI ſhillings VIII pence, *ut pro tertio denario Comitatus* Norfol. *nomine* Comitis *ejuſdem Comitatus*. And as the *Earls* of *Arundel* have had XX Marks yearly from antient time, *ut pro tertio denario Comitatus Suſſex*, ſo ſome other Earls had the like yearly certainty, as we ſee in the Pipe Rols of *Henry* II. and ſome of his Succeſſours. And that of the Earl of *Lincoln* became to be aſcertained [h] to XX pound not long after that cloſe Writ touching the collection of it. But although ſome Earls thus were partakers or *Socii* or *Comites* with the King in taking the third part, yet without doubt that fancy of fetching the reaſon of their title of *Comes* from this partaking, was nothing but a groſs miſtaking. Why then were thoſe Earls called *Comites* alſo that had not this third part? For divers had it not. *Non omnes Comites iſta percipiunt* (ſaith [i] an old Authour) *Sed hi quibus Rex hæreditario aut perſonaliter conceſſit.* And ſo alſo ſaies the Authour of the Dialogue *De Scaccario*. Earls alſo that had Counties Palatine, had the whole profits of their Counties: whence then were they ſtiled *Comites?* And beſides alſo, this title of *Comes* was given to the Earls among other Latine names in the *Saxon* times, and that many Ages before we find any memory of this third part, and ſo was, I doubt not, brought firſt no otherwiſe into uſe in *England* than it was in other Countries from the example of the *Romans* in the Empire. But that fancy touching the word *Comes*, began, as far as I have yet obſerved, about the time of *Henry* II. And after King *John* I find no memory of the continuance of it. Until his time the Charters of Creation or Liveries of Earldoms ſometimes have that, *unde Comes eſt*, with ſuch reference to the *tertius denarius*, as may perſwade us that the fancy continued then. But good Authours of thoſe antient times with us, derive the title of *Comes* no otherwiſe than the Writers of other Nations. *Johannes* [k] *Sarisburienſis*, that wrote here under King *Henry* II. ſaies that *Comites à Societatis participatione dici quiſquis ignorat, ignarus eſt literarum quas literalis inſtitutio primas tradere conſuevit.* And *Bracton* that lived about the end of *Henry* III, ſpeaking of *Comites* in general, but having his eye doubtleſs more eſpecially upon thoſe of his own Country, well ſaies that

e *Clauſ.2 Hen. 3.membr.9.*

f *Videſis Rot. liberate 2 Joan R.membr. 3.clauſ 2.Hen. 3.m 8.clauſ.4. Ed.2.m.20. &c.*

g *Rot.Parl. 3 Hen.6.art.1.*

h *Par.1.Hen. 3.m.9.n.35. & videſis clauſ.4. Ed.2.m.20.*

i *Apud Camd. Brit.pag.120. quæ vide item pag.151.*

k *Epiſt.263.*

that they are called [l] *Comites quia à Comitatu ſive à ſocietate nomen ſumpſerunt qui etiam dici poſſunt Conſules à Conſulendo. Reges enim tales ſibi aſſociant ad conſulendum & regendum populum Dei, ordinantes eos in magno honore & poteſtate & nomine quando accingunt eos gladiis, i. e. ringis gladiorum. Ringæ enim dicuntur, ex eo quod Renes gyrant & circundant et unde dicitur*, accingere gladio tuo, &c. *Et Ringæ cingunt Renes talium ut cuſtodiant ſe ab inceſtu luxuriæ quia luxurioſi et inceſtuoſi Deo ſunt abominabiles. Gladius autem ſignificat defenſionem Regni et Patriæ.* But of the nature of this title, more particularly. *England.*

[l] De rer. diviſ. lib. 1. cap. 8. §. 2. 3. & 4. & lib. 2. de acquir. rer. dom. cap. 16. §. 3.

VIII. The title of *Earle*, ſince the time of the *Normans*, is either *Local* or *Perſonal*. *Local* we call that which is denominated from any County or other Territory. As Earle of *Cheſter*, of *Arundel*, of *Kent*, and the like. *Perſonal*, that which hath its being in ſome great Office only, as in that of *Earle Marſhal*. The *Local* title is either in *Earls Palatin* that are *Local*, or in them that are *not Palatin*. And of all theſe in their order; and firſt of *Earls Palatin* that are *Local*. But we omit here the primary deduction of the name *Palatin*, as it hath relation to a County. It was received here doubtleſs out of the uſe of the Empire and *France*, and in the like notions as it had in that uſe; as alſo the perſonal title of *Palatin*, as we find it originally in the Laws of the old Empire, and have before declared it, was antiently, in *England*, attributed by ſome to ſuch Earls as had great Offices in Court whereof more anon where we ſpeak of the Perſonal title of Earl. The *Local Earls Palatin* were of the ſame nature with thoſe of the *Saxon* time that had both their Earldoms to their own uſe, and alſo, under the King, all Regal Juriſdiction or *merum & mixtum Imperium*, in ſo much as that the King's Writ of ordinary Juſtice did not run there. Such was *Etheldred Ealdorman* of *Mercland* under King *Alfred*, and his Son King *Edward*. For although the name of *Palatin* be not found with us in the *Saxon* times, yet the ſence and ſubſtance of it was fully in that Earldom. For to be Earl *Palatin*, or *Count de Palais*, or *Count Paleis* (as they are ſometimes in our Law Books called) was to have the title of Earl, or the ſeiſin of a County or Earldom, and *Regalem poteſtatem in omnibus*, under the King, as *Bracton* well expreſſes it, where he ſpeaks of granting Pardons to Felons. *De felone aut probatore nullus priſonam* (ſaith [m] he) *habere poterit nec de eo placitum habere niſi ipſe Dominus Rex, cum nullus alius ei poſſit vitam concedere vel membra. Et hæc vera ſunt niſi ſit aliquis in regno qui Regalem habeat poteſtatem in omnibus ſicut ſunt* Comites Paleys (ſo we muſt read; for the word *Civitates* interſerted here in the print is ſuperfluous, and not *Bracton*'s, as his good Copies ſhew us) *Salvo dominio Domino Regi ſicut Principi, vel ſi ſit aliquis qui de conceſſione Domini Regis talem habeat libertatem.* What alteration the later Ages made in the Juriſdiction of Counts *Palatin*, may be moſt eſpecially ſeen in the Statute of XXVII. *Henry* [n] VIII, by which their power of granting pardons, of making Writs in their own names, and the like are taken from them.

[m] *De Coronâ*; lib. 3. cap. 3. §. 4.

[n] *Cap.* 24.

The moſt eminent to whom this title is attributed, is the Earl of *Cheſter*. And (as it is commonly ſaid) the Earldom was firſt given, with Regal Juriſdiction, by *William* the Firſt to *Hugh Lupus*, as they call him, or *Hugh d' Auranches*, or *de Abrincis*, as he is ſtiled in *Ordericus vitalis*. But *Ordericus* ſaies expreſly that King *William* the Firſt gave the Earldom to one *Gherbod* a *Flemming*, and afterward) while *Gherbod* was de-

England. tained a Priſoner in *Flanders*) he created *Hugh d' Auranches* Earl of it. And if we might relie upon the indifferency of his expreſſion, it ſeems the Earldom was no otherwiſe in that *Gherbod* than it was in Earl *Hugh*. For he [o] ſaies firſt that *Ceſtram & Comitatum ejus* Gherbodo Flandrenſi *jamdudum dederat qui magna & difficilia tam ab* Anglis *quam à Gallis adverſantibus pertulerat.* And then ſpeaking of his being taken and kept as a Priſoner, *Interea Rex Ceſtrenſem Conſulatum* Hugoni de Abrincis *filio* Richardi *cognomento* Goz *conceſſit*, *qui cum* Roberto de Malo paſſu *aliiſque Proceribus feris multum* Guallorum *ſanguinem effudit.* What was given to Earl *Hugh*, it ſeems, he means *Gherbod* alſo had before him. What ſpecial Rights the Earls there had before the coming of the *Normans*, may be obſerved out of that which is before tranſcribed out of *Domeſday*, [p] concerning the Earls third peny there. But Earl *Hugh* had the County of *Cheſhire* given to him and his Heirs *Adeo liberam ad Gladium ſicut ipſe Rex totam tenebat* Angliam *ad Coronam ſuam*, as the words of an old [q] Authour are. Yet by this Grant the King's Signiory of the Lands of the Biſhoprick, it ſeems, paſſed not to him. For in *Domeſday*, that was written in the time of this Earl, we read that *In* Ceſtreſyre *tenet Epiſcopus ejuſdem civitatis de Rege quod ad ſuum pertinet Epiſcopatum. Totam reliquam terram Comitatus tenet* Hugo *Comes de Rege.* But the Regal Juriſdiction that followed the Grant made to Earl *Hugh*, was ſuch that the Earles had their Courts both of Criminal and Civil Juſtice, their Barons alſo as their great Counſel, and every of theſe Barons had *Curiam* [r] *ſuam liberam de omnibus Placitis & querelis in Curia Comitis motis, exceptis Placitis ad Gladium ejus pertinentibus.* Where his *Jus Gladii*, or *Dignitas Gladii* is expreſſed; as alſo in that of the County of *Flint*; *Comitatus* Flint [s] *pertinet ad Gladium* Ceſtriæ. And *Henry Bradſhaw* a Monk of Saint *Werburges* in *Cheſter* about the beginning of *Henry* VIII, [t] ſpeaking of this Earl *Hugh*, and of his dignity in the Earldom, ſaies, that to him

o *Hiſt. Eccleſiaſt. lib* 4 *pag.* 522 *An.* 1070.

p S. 3.

q *Mſs. & idem penè apud Camden. Brit. pag.* 464.

r *Rot. Inſpex. Pat.* 18 *Hen.* 6. *part.* 2. *membr.* 34.

s *Antiq. Schedæ apud Camden. Brit. pag.* 553.

t *In vita ſanctæ Werburgæ cap.* 16.

——the King gave for his enheritance
The County of Cheſhire with the Appurtinance,
By victory to win the foreſaid Earldom
Freely to govern it as by conqueſt right;
Made a ſure Charter to him and his ſucceſſion
By the Sword of Dignity, to hold it with might.
And to call a Parlament to his will and ſight,
To order his Subjects after true Juſtice,
As a prepotent Prince, and Statutes to devise.

And to this day the County *Palatin* of *Cheſter* (it being always preſerved in the Crown as a *County Palatin* when there is no *Prince of Wales*; and it is given to the *Prince of Wales* when he is created) hath had Chamberlains who ſupply the place of Chancellour, Juſtices before whom the cauſes that of their nature ſhould otherwiſe belong reſpectively to the King's Bench and Common Pleas are triable, a Baron of the Exchequer, a Sheriff and other Officers proportionably to thoſe of the Crown at *Weſtminſter*.

But although the County be frequently called a *County Palatin*, as well in our Laws, as in common Language (or *Comitatus Palatinus*, or *Palantinus*, or *Palantin*, or *Counterpaleis*, corruptly

corruptly for *County Paleis*, as ſometimes in our Law [u] Books) and truly be one and ſince the firſt gift hath continued one, (unleſs you except that ſhort time while it [x] was a *Principality*) yet neither in the Creations of the Earl (as you ſee before where we ſpeak of the title of *Prince of Wales*) nor in his ſummons to Parlament, nor in any other Writ to him is he ſtiled *Palatinus*, though the name be juſtly otherwiſe given him. Neither do I ſee teſtimony to perſwade me that, when the firſt Creation was made of Earl *Hugh*, he was created by the name of a *Palatin*. But his Earldom being given him with ſuch a kind of Regal Juriſdiction as *Counts Palatin* of Territories in Forrein Parts had, hath been therefore ſince called a *County Palatin*, and he and his Succeſſours Palatins; as it hapned alſo in other Countries. Neither have I obſerved the word *Palatinus* until about *Henry* II. to be ſo applied with us. In his time, it ſeems, *Joannes Sarisburienſis* underſtood the Earls of *Cheſter*, and ſome other that having Regal Juriſdiction alſo in the Marches of *Wales* were ſtiled *Palatins*, in the paſſage of his of the increaſing power of the *Welſh*. Speaking of the moſt corrupt and effeminate manners of the Court of that time; *Dum hoc faciunt* (ſaith [y] he) *milites glorioſi*, *Nivicollinus indomitus inſoleſcit*, *inermes Britones intumeſcunt*, *ipſosque qui dicuntur* Palatini Comites *& Regum ſanguine gloriantur fere ad deditionem compellunt & quaſi tributarios faciunt*. But the firſt time that in expreſs words I find the Earl of *Cheſter* called *Comes Palatinus*, is in the memory of the Coronation of Queen *Elianor*, Wife to *Henry* the Third; *Comite Ceſtriæ Gladium S. Edwardi* (ſaith *Matthew qui Paris*) **Curteis** *dicitur ante Regem bajulante, in ſignum quod* Comes *eſt Palatinus*.

Upon like reaſon, as thoſe of *Cheſter*, were the antient Earls of *Pembroke*, *Palatins*, being *Domini totius* [z] *Comitatus de Pembroch*, and holding *totum Regale infra præcinctum Comitatus ſui de Pembroch*, as the old Records ſay, yet theſe were not often called ſo. The ſame is to be ſaid of the Biſhops of *Durham*, that have from antient time had *Omnia jura Regalia & omnes libertates Regales infra libertatem* [a] *ſuam Dunelmenſem*, that (ſay the counſel of Biſhop *Anthony Beke* in his aſſigning of Errours in Parlament upon a Judgment of ſeiſing his Liberties given againſt him by the Juſtices in Eire of *Northumberland* under *Edward* the Firſt) *à tempore conqueſtus* Angliæ *& antea*, yet there he pleaded not in expreſs words, that he was *Comes Palatinus*, although in other Caſes ſince he be ſometimes ſo ſtiled; as under *Edward* III. *Thomas* Biſhop of *Durham* to an information againſt him for a contempt in not certifying a Record, pleads [b] *quod ipſe eſt* Comes Palatinus *& Dominus Regalis cujuſdam terræ vocatæ* le Biſhoprique de Dureſme *& habet omnia Jura Regalia quæ ad* Comitem Palatinum *& Dominum Regalem pertinent*, *per ſe*, *Juſticiarios & Miniſtros ſuos exercenda*, *&c.* So he is called *un Counte Palys*, and *Count de Paleys* in other [c] pleadings in our yeár Books. But it was never uſed in the Biſhop's ſtile for ought I have obſerved; although the Seals, that I have ſeen of the Biſhops (being Round not Oval as thoſe of other Biſhops and of Abbots) have on the firſt ſide the form of a Biſhop ſitting in his Chair circumſcribed with the Biſhop's name, *Dei gratia Epiſcopus Dunelmenſis*, and on the reverſe an armed man on horſeback, his ſword drawn, and the Biſhop's Arms ſometimes of his Family, ſometimes of his Biſhoprick on the ſhield circumſcribed with the like words, which ſhape on the reverſe is expreſſed, *tanquam Comitis Palatini*, ſaith learned [d] *Camden*, who writes alſo that ſoon after the coming of the *Normans*, this Biſhoprick was a County *Palatin*, that is, had the Right

England.

u *Vide lib. Intrat. tit. Juriſdiction. 1. & Tit. Appell. in Proces 1. 19 Hen. 6. fol. 12. 31 Hen. 6. fol. 11. 21 Hen. 7. fol. 32. 7 Ed. 6. cap. 10 Stanford. lib. 2. pag. 68. D. 21 Rich. 2. cap. 9.*

y *De nugis Curialium lib. 6. cap. 16.*

z *Plac. Parlam. 18 Ed. 1. fol. 11. & 19. Ed. 1. fol. 25.*

a *Plac. Parlam. 21 Ed. 1. fol. 59.*

b *Paſch. Coram Rege 49 Ed. 3. Northumbr. Rot. 42.*

c *5 Ed. 3. fol. 58. a. 17 Ed. 3. fol. 56 a. vide Blank. 14 Ed. 3. Tit. Error. 6.*

d *Brit. pag. 600. & vide ſit. pag 507.*

England. and Juriſdiction of a County Palatin, which I believe rather than that Plea of Biſhop *Beke*, where it is ſuppoſed that the Regal Juriſdiction there (whence the title of Count or County Palatine was afterward begotten) had been in the Biſhop as well before the coming of the *Normans*, as afterward. There is colour to think that the Palatin Juriſdiction began there in Biſhop *Walcher* whom King *William* the Firſt made both *Epiſcopus* and *Dux Provinciæ*; That he might *Frænare rebellionem gentis gladio & reformare mores eloquio*, as *William* of [e] *Malmesbury* ſays. For we ſee alſo that before *Walcher* was Biſhop, the County by-the name of *Comitatus Dunelmenſis* was in Lay hands. *Anno tertio Regni ſui* (ſaith *Ordericus* [f] *Vitalis*) Gulielmus *Rex* Dunelmenſem *Comitatum* Roberto *de* Cuminis *tradidit qui mox cum militibus quingentis civitatem conſidenter adiit.* But I think rather that *Dux Provinciæ*, denotes there only the Sheriff of the County, or one that hath *Curam Comitatus* only, as *Hoveden* ſaith *Walker* had, howſoever he be commonly taken for an Earl of *Northumberland* in that Age. The Story alſo of *Hugh de Puſaz* Biſhop of *Durham* under *Richard* the Firſt, is obſervable while we think of the beginning of this County Palatin. He bought the Earldom of *Northumberland* of the King, who being merry with him at his Creation, ſaid he had done a wonder in making a young Earl of an old Biſhop. Was he then an Earl, or his Biſhoprick and Earldom, or County *Palatin*, before this Creation? And ſome ſpeak [f] of the Creation of *Puſaz*, as if there had been ſome kind of perpetual annexing of an Earldom in *Northumberland* to that Church. Yet his Creation was but for life. *Matthew Paris* and ſome others expreſly ſay ſo. But however, the Biſhop of *Durham*, and the Earls of *Cheſter* and *Pembroke*, were together accounted under *Henry* III, three eſpecial Lords of the Kingdom, that had like Regal Juriſdiction. For when a *nuper obiit* was brought againſt *John Scot* Earl of *Cheſter*, by other the Coheirs of *Randal* Earl of *Cheſter*, and the Summons was made upon ſome of his Lands in *Northamptonſhire*, he [g] pleaded *quod noluit reſpondere ad hoc breve niſi Curia conſideraverit, & conſideratione Parium ſuorum per ſummonitionem factam in Comitatu* Northamptoniæ *de terris & tenementis in Comitatu* Ceſtriæ, *ubi brevia Domini Regis non currunt.* But *quia uſitatum eſt hucuſque* (ſaith the Roll) *quod Pares ſui & alii qui libertates habent conſimiles, ſicut* Epiſcopus Dunelmenſis & Comes Mareſcallus (that is, the Earl of *Pembroke*) *reſpondent de terris & tenementis infra libertates ſuas per* [h] *ſummonitionem factam ad terras & tenementa extra libertates ſuas. Ideo conſideratum eſt quod reſpondeat.* And touching this County Palatin of *Durham* in the later Ages, ſee *Rot. Parl. 7 Ed. 6. & Rot. Pat. 7 Ed. 6. part. 8. & 1 Mariæ cap. 3.*

By reaſon alſo of the received notion of *Palatin* or *Palantin* in this ſence, wherein it expreſſes the having Regal Juriſdiction, ſome other Counties have been ſtiled Counties *Palatin*, or *Palantin*, though the Lords of them have not had that title of Earl *Palantin* attributed to them. The Duchy of *Lancaſter* is called a *County Palatin*, yet that name came to it only after it became a Duchy. For King *Edward* III. in his Patent of Creation of *Henry* the Firſt Duke of *Lancaſter*, for life, gave him [i] alſo all liberty belonging to a County Palatin, with relation to the Palatin Earldom of *Cheſter* for example, excepting ſome particulars. The like was afterward to *John* of *Gaunt* the next Duke. And thoſe liberties and *jura Regalia* were annexed afterward to the Duchy for ever by Act of Parlament in the beginning of *Henry* IV.

And

[e] *De Geſt. Pontif. lib. 3 pag. 2 7. Ed. Franc.*

[f] *Hiſt Eccleſiaſt. lib. 4. pag. 512. C.*

[f] *Videſis Civil. Nubrig. lib. 4. cap. 5. & lib. 5. cap 10. & Du Cheſne. Hiſt. D' Angleterre liv. 12. pag. 538.*

[g] *Frag. placit. temp. H. n. 3. in arce London.* orta eſt lis iſta 14 *Hen.* 3 quod ſatis conſtat *ex placit.* 18 *Hen* 3. Rot. 14. *ibid. Initium eſt placiti quod habetur* 21 *Hen.* 3. *Tit. Briefe.* 881, & 23 *Hen.* 3. *tit. Particion* 18.

[h] Eadem ratio legis, in Commentariis juris noſtri, nempe, 1 *Ed.* 3. *fo'.* 14. *a.* 18 *Ed* 2. *tit. aſſiſe* 382. 24 *Ed.* 3. *fol.* 33. 30 *Hen.* 6. *fol.* 6. 35 *Hen.* 6. *fol.* 30. 45 *Ed.* 3. *tit. Viſne* 50. &c.

[i] *Pat.* 25 *Ed.* 3. *part.* 1. *m.* 18. & *Plowd. in Comment. fol.* 215.

And it is, to this day from this Original, as a County Palatin, though in the hands of the King. Upon like reaſon was the name of County Palatin, fixed on the Biſhoprick of *Ely*, and on *Hexamſhire* which was, under Queen *Elizabeth*, united [k] to the County of *Northumberland*. *England.*

But alſo for the ſame reaſon, ſome other Earls that had Regal Juriſdiction in their Territories, beſides thoſe that are commoly known by the title of Palatin, have been ſtiled ſo with us, as *Hugo de Beleſmo*, (that was Earl of *Shrewsbury* under *William* II.) in ſome Records [l] of the time of *Edward* the Firſt, is called a *Palatin*. And from the like reaſon perhaps did *John* Earl of *Warren* and *Surrey*, under *Edward* III. ſtile himſelf *Comes Palatii*, which title, in thoſe ſyllables, I never ſaw elſewhere attributed to any of our Earls. I find it on his Seal annexed to a Conveyance of the [m] Caſtle and Town of *Reygate*, of *Dorking*, and *Becheſworth* in *Surrey*, of the Caſtle and Town of *Lewes*, of *Cokefield*, *Cleyton*, and divers other Mannors in *Suſſex* and in *Wales*, made to the King in fee. But whether it were uſed by him with relation to his Earldom of *Strathern* in *Scotland*, or to that of *Surrey*, I cannot clearly judge. The firſt part of the Seal that remains (for it is broken) hath himſelf armed on horſeback, and is circumſcribed with SIGILLUM JOHANNIS COMITIS WARRENIÆ ET SURR..... The part of the reverſe that remains, hath him ſitting on a Throne of Juſtice and is circumſcribed with.....MITIS WARRENIÆ ET STRATÆRNIÆ ET COMITIS PALACII.

k Eliz. cap. 12. & *vide* 3 Hen. 8. cap. 2.

l Placit. Coronæ in Hundredo de Stoteſden in Com. Salop. 20 Ed. 1. apud Vincent pag. 17. Sed non reperio in loco citato.

m Apud Caneford 1. April., 20 Ed. 3.

IX. For the forms of the Charters of *Creation* of the title of *Earl Palatin*; that of the Earl of *Cheſter* in the Patent to the *Prince of Wales* ſhews ſomewhat. But it is there intermixt with the Principality, whoſe Inveſtiture ſerves alſo for this of the Earldom. Neither is the Title of *Palatin* expreſſed in any of the Patents of ſuch Creation. The firſt and antienteſt Charter by which this Title was expreſly given is I think that of *Edward* III, to *Lawrence* Lord *Haſtings* who was made by it *Earl Palatin* of *Pembroke*, but not without ſuch right of blood as perſwaded the Lawyers of that time to conclude the Title due to him. The caſe was thus; *William de Valence* Earl Palatin of *Pembroke* in fee, had iſſue *Aymer de Valence* who ſucceeded him in the Earldom, and four Daughters the Ladies *Iſabel*, *Joan*, *Agnes*, and *Margaret*. *Aymer* dying without iſſue of his body under *Edward* II, his Inheritance deſcended to his Siſters and their Iſſues, among whom *Lawrence* Lord *Haſtings* was lineal Heir to the eldeſt Siſter the Lady *Iſabel*, Wife to *John* Lord *Haſtings* his Grandfather. And about ſixteen years after the death of *Aymer*, *Edward* III, thus recogniſed the Right of this *John* Lord *Haſtings* the Heir to *Iſabel*.

REX [n] *omnibus ad quos &c. Salutem. Sciatis quòd circumſpectionis & elegantiæ præſagium quæ ex aptis conſanguinei noſtri chariſſimi* Lawrencii de Haſtinges *juventutis auſpiciis concepimus, meritò nos inducunt, ut ipſum in hiis quæ honoris ſui debitam conſervationem reſpiciunt, pronis favoribus proſequamur. Cum itaque hæreditas bonæ memoriæ* Adomari *de* Valencia *Comitis* Pembroch, [o] *ut dicitur* Palatini,

n Rot. Pat. fact hominibus Angl. & Vaſconiæ 13 Ed. 3. membran. 12.

o Depravate hic legitur apud Camdenum Brit. pag. 513 ut dicitur jampridem &c. omiſſo vocabulo Palatini.

England. Palatini, *pridem ſine hærede de corpore ſuo procreato decedentis ad ſorores ſuas ſuerit devoluta, inter ipſas & earum hæredes proportionabiliter dividenda; quia conſtat nobis quod præfatus* Laurentius *qui dicto* Adomaro *in partem hæreditatis ſuccedit, eſt ex ipſius* Adomari *ſorore ſeniori diſcendens, & ſic peritorum aſſertione quos ſuper hoc conſulimus, ſibi debeatur prærogativa nominis & Honoris, juſtum & debitum reputamus ut idem* Laurentius *ex ſeniori ſorore cauſam habens, aſſumat & habeat nomen* Comitis Pembrochiæ, *quod dictus* Adomarus *habuit dum vivebat, quod quidem nomen quantum in nobis eſt, ſibi confirmamus, ratificamus, & etiam approbamus; volentes & concedentes ut dictus* Laurentius *prærogativam & honorem* Comitis Palatini *in terris quas tenet de hæreditate dicti* Adomari *adeo plene & eodem modo habeat & teneat ſicut idem* Adomarus *illas habuit & tenuit tempore quo deceſſit. In cujus &c.* T. R. *apud Montem* Martini XIII *die* Octobris. *Anno* XIII *&c.*

Per ipſum Regem.

But although this *John* Lord *Haſtings* were thus created or expreſly declared an Earl Palatin, yet neither himſelf, nor any of the ſucceeding Earls there, while it was a County Palatin were ſtiled Palatins in ſummons to Parlaments, or in any other expreſſion, for ſo much as I have obſerved. Some things more alſo concerning *Earls Palatin* occurrs in what we ſhall next deliver touching Local Earls which are not Palatin.

X. The *Nature of Local Earls* that being *not Palatin* were made ſince the coming of the *Normans*, will beſt appear by their *Charters* or *Patents* of Creation, Confirmation, Reſtitution, or Livery, with ſome antient teſtimonies of that kind; the Obſervation of their *honorary poſſeſſions* or *Earldoms*, with their *Reliefs*, and of the *chief Ornaments uſed* at the *Inveſtiture*, or otherwiſe *mentioned* as belonging to them. Of theſe ſeverally; And firſt of their *Charters* or *Patents* of Creation, Confirmation, Reſtitution, or Livery, and the antient expreſſions of that kind.

Among the forms of Charters made of this dignity, we find none before the time of Queen *Maude*, unleſs we conceive that of *William* the Firſt to *Alan Fergent* Duke of *Bretaigne*, of the Lands, Towns, and the reſt of the Inheritance of *Earl Edwin* in *Yorkeſhire* to be a Creation of him into the title of Earl of *Richmond*. The words are thus, as we find them expreſſed in a Charter pictured under Seal, and as delivered by King *William* to *Duke Alan* kneeling, in a Book[p] of *Richmond*, of the time of *Edward* III.

[p] *Ms. Item apud Camden. in Brigant. pag. 591.*

Ego

England.

EGo Gulielmus *cognomine* Baſtardus, *Rex Angliæ, do & concedo tibi nepoti meo* Alano Britanniæ *Comiti & hæredibus tuis imperpetuum, omnes villas & terras quæ nuper fuerunt Comitis* Edwini *in* Eboraſhiria, *cum feodis militum & aliis libertatibus & conſuetudinibus ita liberè & honorificè ſicut idem* Edwinus *eadem tenuit. Data obſidione coram Civitate* Eboraci.

This Date falls in the Third year of his Reign. And ſome of the *French* [q] take this for the Inſtrument by which the Earldom of *Richmond* was firſt ſetled in the Dukes of *Bretaigne*. I diſpute it not. What poſſeſſions this *Alan* had afterwards in *Yorkeſhire*, appears in *Domeſday*. But ſomewhat alſo of the nature of the forms of Creation of Earls in times before Queen *Maude*, ſeems to be ſummarily denoted in the various expreſſions of the Writers of thoſe elder Times, when they ſpeak of the Creation of Earls within the time that precedes her. *Comitatum dedit, commiſit Comitatum* N, *Comitem* or *Conſulem præfecit*, or *inſtituit*, or *Arundellum* or *Northumbriam dedit*, or *donavit*, and ſuch like occurr for Creations of them in *Ingulphus*, *Ordericus*, *William* of *Malmesbury*, and the reſt of that kind; ſometimes alſo *Comitatum* N. *cum omnibus terris eidem pertinentibus donavit*, is found in them for a Creation; as in that example of *William* the firſt his Creation of *Simon* of *Senlis* a *Norman*, Earl of *Huntingdon*. Other Paſſages of this kind are anon cited, where we ſpeak of the Earldoms of the Earls of thoſe Times. But I have not obſerved a Creation noted among thoſe Writers with any other kind of particulars, until the time of King *Henry* the Firſt, who (as it is in the Book of the Abbey [r] of *Ford*) gave to *Richard de Redueriis* or *Rivers*, firſt *Tiverton*, and then the Honour of *Plimpton* with other places belonging to the ſame Honour, and *in Comitem* (as the words are) *Devoniæ, tertium denarium Annui Exitus ejuſdem Comitatus illi concedendo, eum conſequenter creavit.* And to this add alſo that of the Creation of *Robert* Earl of *Gloceſter*, natural Son to King *Henry* the Firſt. The King, having Speech with *Mabile* the ſole Daughter and Heir of *Robert Fitz Haymam* Lord of *Gloceſter*, told her (as it is reported in that old Engliſh rythmical Story of *Robert* of *Gloceſter*) that

[q] *Bertrand. d'Argent. Hiſt. de Bretagne liv. 4. chap. 38.*

[r] *Apud Camd. in Damnonia. pag. 151.*

——he ſeold is lone to her ſpouling abonge,
This Maid was theragen, and with ſaid it long.
The King of ſought her ſaith pnou, ſo that atten ende
Mabile him anſwered, as gode Maide and hende,
Sir, heo ſede, wel ichot, that pour hert ope me is,
More boz mine heritage than boz my ſulbe iwis;
So bair eritage as ich habbe, it were me grete ſhame,
Boz to abbe an loberd, bote he had an toname.
Sir Roberd le Fitz Haim, my faders name was,
And that ne might nought be his that of his kunne nought nas.
Therefoze, Sir, boz godes lobe, ne let me no mon owe
Bote he abbe an twoname war thzozu he be iknowe.
Damoyſele, quoth the King, thou ſeiſt well in this caſe

Sir

England.

Sir Roberd le Fitz Haim, thy fader twoname was;
And as vair twoname he ſhall abbe, gif me him may biſe
Sire Roberd le Fitz Rey is name ſhall be.
Sire, quoth this Maid tho, that is a vaire name
As who ſeith, all his life and of great fame.
Ac wat ſhold is ſonne bote thanne and hi that of him come?
So ne might hii bote, whereof nameth gone.
The King underſtood that the Maid ne ſede no outrage
And that Glouceſtre was chief of ire heritage.
Dameſeile he ſede tho, thi Loverd ſhall have a name,
Vor him and vor his heirs vair without blame.
Vor Roberd Earle of Glouceſtre is name ſhall be and his
Ac he ſhall be Earle of Glouceſtre and his heirs i wis.
Sire, quoth this Maid tho, well liketh me this
In this forme ichole that all my gode be his.
Thus was Earle of Glouceſtre firſt I made there
Ac his Roberd of all thulke that long bivore were;
This was End leve hundred yere and in the nith yeer right
After that ure Loverd was in his moder a hight.

But the antienteſt Charters of expreſs Creation of the Title of *Comes*, that at this day remain, are thoſe of Queen *Maude*. As this to that great Lord, *Geoffery* of *Mandevile* for the Earldom of *Eſſex*.

[f] *In Theſaur. Cotton. & apud Camd. & in Ord. Angl. pag. 120.*

EGo [f] Matildis *filia Regis* Henrici & Anglorum *Domina do & concedo* Gaufredo *de* Magnavilla *pro ſervitio ſuo & hæredibus ſuis poſt eum hæreditabilitèr ut ſit* Comes de Eſſexia, *& habeat tertium denarium Vicecomitatus de Placitis, ſicut Comes habere debet in Comitatu ſuo &c.*

[t] *Videſis Hoveden. ſub Anno 1143.*

Neither is this Charter againſt thoſe that ſay King [t] *Stephen* created him. The Civil Warrs of that time are well known. And this Lord being ſometimes of the Queens part, ſometimes of King *Stephen's*, was created, it ſeems, by both as ſome others were. The ſame Queen alſo, for the great ſervice that *Milo* (who was Lieutenant to her Brother *Robert* Earl of *Gloceſter* in his Earldom, and otherwiſe of very great power in the Kingdom) had done her in thoſe her Warrs againſt King *Stephen*, *& quia ejuſdem* Milonis *præcipue ſtuebatur conſilio, & favebatur auxilio, utpote quæ eatenus nec unius diei victum nec menſæ ipſius apparatum aliunde quam ex ipſius munificentia ſive providentia acceperat* (as this *Milo* himſelf related to him that wrote the continuation to *Florentius*) made him Earl of [x] *Hereford* by this Patent, which is yet preſerved under her great Seal.

u Videſis *Geſta Regis Stephani pag. 932. & continuat. ad Florent. Wig. Anno* 1139, & 1140.

x Meminete hujus Creationis, *Giraldus in Itinerario Cambriæ lib. 1. cap. 2. Autor. Geſtorum Regis* Stephani *pag. 956. Florentius ſub anno* 1141.

MAtilda *Imperatrix* Henrici *Regis filia & Anglorum Domina Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Præpoſitis, Miniſtris & omnibus fidelibus ſuis*, Francis, & Anglis *totius* Angliæ *ſalutem. Sciatis me feciſſe* Milonem de Gloceſtria, Comitem de Hereford, *& dediſſe ei Motam* Hereford,

ford, *cum toto Caſtello in feudo, & hæreditate ſibi & hæredibus ſuis ad tenendum de me & hæredibus meis. Dedi etiam ei tertium denarium placitorum totius Comitatus* Hereford. *Dedi etiam ei tria maneria in ipſo Comitatu de meo dominio videlicet* Mawardinam & Luggewordinam & Wiltonam *cum omnibus appenditiis ſuis. Dedi etiam ei Haias* Hereford & *foreſtam de* Trivela *cum hoc quod ad hoc pertinet. Dedi etiam ei ſervitium* Roberti de Chandos & Hugonis *filii* Willielmi & Richardi de Coremil, & *omnia feuda eorum ubicunque ea habeant. Et hæc omnia ſupradicta dedi & etiam conceſſi in feudo & hæreditate ſibi & hæredibus ſuis ad tenendum de me & hæredibus meis. Hanc autem donationem feci ei apud* Oxinford *die ſancti* Jacobi *Apoſtoli, videlicet octava die ante feſtum* Sancti Petri ad Vincla, *pro ſervitio ſuo quod mihi fecerat, & ita quod tunc habebam in captione mea* [y] *apud* Briſtol *Regem* Stephanum, *qui Dei miſericordia & auxilio* Roberti Comitis Gloceſtriæ *fratris mei & auxilio ipſius* Milonis & *aliorum Baronum meorum captus fuit in bello apud* Lincolniam *die Purificationis S.* Mariæ *proximo ante prædictum diem S.* Jacobi *Apoſtoli. Quare volo & firmitèr præcipio quod hæc omnia ſupradicta teneat de me & hæredibus meis ipſe & hæredes ſui ita bene & in pace & honorificè & plenariè & liberè & quietè in boſco & in plano, in foreſtis & fugaciis, in pratis & paſturis, in aquis & molendinis, in ſtagnis & vivariis, in viis & ſemitis, in foris & feriis infra Burgum & extra, in Civitate & extra, & in omnibus locis cum Soca & Sacha, & Toll & Team & Infangentheof & cum omnibus conſuetudinibus & libertatibus, et quietudinibus ſicut unquam aliquis* Comes *meliùs, et honorabiliùs, et quietiùs, et liberiùs, et plenariùs, aliquod tenementum vel dominium de me in* Anglia *vel unquam tenuit de aliquo anteceſſore meo. Teſte* Theobaldo *Archiepiſcopo* Cantuarienſi, *et* Roberto *Epiſcopo* Londonenſi, *et* Alexandro *Epiſcopo* Lincolnienſi, *et* Bernardo *Epiſcopo* Sancti Davidis, *et* Nigillo *Epiſcopo* Elienſi, *et* David *Rege* Scot, *et* Roberto *Comite* Gloceſtriæ, *et* Reginaldo *Comite* Cornubiæ, *et* Roberto Reginaldi *filio et* Brientio *filio Comitis*, *et* Umfrido *de* Bohun, *et* Alex. *de* Buch. *et* Johanne *filio* Giſleberti *Mareſcallo, et* Pagan. de Claris Vallibus, *et* Roberto de Curceo, *et* Radulfo Paganello, *et* Willielmo de Doura *et* Elia Giffard, *et* Walkenio Maminot *et* Ernulf de Heſding *et* Giſleberto de Laſcrio *apud* [z] Oxinfordiam.

England.

y Confectum eſt inſtrumentum hoc in feſto D *Jacobi anno reparatæ ſalutis* 1141. *ſive* 6. *Stephani Regis. Id* conſtat ex Florentio & Hovedeno *ſub annis* 1141. Nonnulli malè miſcentes annos ſalutis atque eos qui ab initiis Stephani deducuntur, in 1140 temere conjiciunt captivum Regem, quod idem ipſum eſt, ac ſi etiam hoc inſtrumentum illuc retrò traherent.

z *Atqui Anonymus auter Geſtorum Stephani R. pag.* 936. *Wintoniæ Creatum Milonem ſcribit.*

England. That also of the same Queen to *Aubery de Vere* (afterward Earl of *Oxford*) is observable. She granted and restored to him divers Lands, and among them the Tower and Castle of *Colchester*. And made him Earl of *Cambridge*, under condition that if he could not enjoy it, he might chuse either to be Earl of *Oxford*, *Barkeshire*, *Wiltshire*, or *Dorsetshire*. *Et præter hoc do ei* (as the words are in the antient Book of [a] Evidence belonging to the Earls of *Oxford*) *& concedo quod sit Comes de* Cantebruggescire *& habeat inde tertium denarium sicut Comes debet habere. Ita dico, si Rex* [b] Scotiæ *non habet illum Comitatum. Et si Rex habuerit, perquiram illud ei ad posse meum per Escambium. Et si non potero, tunc do ei & concedo quod sit* Comes *de quolibet quatuor Comitatuum subscriptorum, viz.* Oxenfordscyre, Berkscyre, Wiltscyre, & Dorsetscyre *per Consilium & Considerationem* Comitis Gloceſtriæ *fratris mei &* Comitis Gaufridi *&* Comitis Gilberti. *Et teneat Comitatum suum cum omnibus illis rebus quæ ad Comitatum suum pertineant. Ita bene & in pace & liberè, & quietè, & honorificè, & plenariè sicut unquam aliquis* Comes *melius vel liberius tenuit vel tenet Comitatum suum.* Then, after some other Lands given him, *Hæc omnia tenementa* (saith she) *concedo ei tenenda hæreditariè in omnibus rebus sibi & hæredibus suis, de me & hæredibus meis. Quare volo & firmiter præcipio, quod ipse* Albericus Comes *& hæredes sui teneant omnia tenementa sua ita bene & in Pace, & liberè, & quietè, & honorificè, & plenariè, sicut unquam aliquis* Comitum *meorum melius vel liberius tenuit vel tenet, &c.* This was confirmed also by the Prince her Son, using the Title of *Henricus filius filiæ Regis* Henrici, *rectus hæres* Angliæ & Normaniæ.

King *Stephen* made very many Earls, and much wasted the Crown Revenue on them. *Multos Comites qui ante non fuerant* (saith *William* of *Malmesbury*) *instituit, applicatis possessionibus & redditibus, quæ proprio jure Regi competebant.* A form of one of his Creations I have not seen. But those of Queen *Maude* are also of his time. But an example of a restitution or livery of an Earldom in his time, is in that of his restoring the Borough of *Hereford*, and the Castle *& totum* [c] *Comitatum de* Herefordscyre (excepting the Lands of the Bishoprick and other Churches) to *Robert* Earl of *Leicester*, and his Heirs, with this that he should hold it *bene et in pace, et liberè, et quietè, et honorifice, in bosco et in plano, &c. Cum omnibus aliis rebus et libertatibus quæ ad omnia præfata pertinent*, *cum quibus* Gulielmus *Filius* Osberni *unquam meliùs, vel liberius tenuit.* That *William Fitz Osbern* was made Earl of *Hereford* by *William* the First. Divers of the Earls made by King *Stephen* were afterward called *Imaginary* and *false Earls*. For *Henry* II, at his resumption of the old Possessions of the Crown, in the beginning of his Reign, *deposuit quosdam Imaginarios et Pseudo-Comites* (saith the Authour of a Chronicle of *Normandy*) *quibus Rex* Stephanus *omnia penè ad fiscum pertinentia minus cautè destribuerat.* To the same purpose the Book [d] of the Abbey of *Waverley*.

For the time of *Henry* II; the most known Creation is that of *Aubry de Vere* Earl of *Guisnes* into the Title of Earl of *Oxford* whose Posterity enjoy it to this Day. He could not be Earl of *Cambridge*, because *David* King of *Scotland* had that Earldom, and so according to the meaning of Queen *Maud*'s Charter to him before mentioned, he chose to be of *Oxford*. The Original, under Seal, I have seen among the Evidences of the Earls of *Oxford*, and thence I transcribe it.

[a] Inde ipsum diploma totum habetur nunc excussum *apud Aug. Vincent. pag.* 397.

[b] *Videsis Camden Brit. pag.* 373.

[c] *Ex vet. Tabulario Ducatus Lancastr. apud Aug. Vincent. pag.* 237. *& videsis Camden. Brit. pag.* 473.

[d] *Ms.*

H.

England.

H. *Rex* Angliæ *et Dux* Normaniæ, *et* Aquitaniæ, *et Comes* Andegaviæ, *Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris, et omnibus fidelibus ſuis totius* Angliæ, Francis *et* Anglis, *ſalutem. Sciatis me dediſſe & conceſſiſſe Comiti* Alberico *in Feodo et hæreditate, tertium denarium de Placitis Comitatus* **Oxenfordſcyre** *ut ſit inde Comes. Quare volo et firmiter præcipio, quod ipſe et hæredes*[d] *ſui habeant inde Comitatum ſuum, ita liberè, et quietè et honorificè ſicut aliquis Comitum* Angliæ *liberiùs, et quietiùs, et honorificentiùs habet, Teſtibus* T. *Cancellario*, Hugone *Comite de* Norff. Rogero *Comite* de Clare, *Comite* Patricio, Richardo *filio* Giſleberti, Henrico de Eſſex *Conſtabulario*, Richardo de Hum *Conſtabulario*, Richardo de Lucy, Waltero *filio* Roberti, *M.* Biſcet *Dapifero*, Warino *filio* Geraldi *Camerario*, Richardo de Canvilla, Willielmo de Lanval, Hammone Peccato, *apud Dour. in tranſitu Regis.*

d Ad maſculos reſtringebatur hæc dignitas, ſub Rich. 2. vide *Rot. Parl.* 16. *Rich.* 2. & *Rot. Cart. de Anno* 15. *Rich.* 2. & Deciſionem *in Parlamento* 1. *Caroli Regis de iſthoc Comitatu*

By ſuch a form, the ſame King created or confirmed *Hugh Bigot* Earl of *Norfolk*. *Sciatis me feciſſe* Hugonem Bigot *Comitem de* **Norfolk**. *Et volo & præcipio quod ipſe & hæredes ſui ita liberè, & quietè, & honorificè teneant de me & de meis hæredibus ſicut aliquis Comes* Angliæ *meliùs vel liberiùs Comitatum ſuum tenet.* The Charter hath alſo a Confirmation of his Right in all his Lands. And it ſeems it was rather a Confirmation of the dignity alſo than a Creation. For it is plain, that in King *Stephen*'s time, this *Bigot* was not only Earl of *Norfolk*, but was acknowledged to be ſo by a juſt title, in that compoſition between [f] King *Stephen*, and *Henry* II. before he came to the Crown. For therein it is agreed that *William* Son to King *Stephen* ſhould have all the County of *Norfolk*; the third peny, *unde Hugo Bigod erat Comes*, excepted. Neither is this that follows with the word *dediſſe*, to *William de Albineto* Earl of *Arundel*, under the ſame King, to be otherwiſe interpreted than as a Confirmation which in thoſe times little differed; in the Stile of the Chancery, from a Creation.

e *Cart. Antiq. S. n.* 13.

f 19 *Stephani* R. apud Holinſhed. *Hiſtor. Angl. pag.* 62. & *Camd. Brit.* 351.

HEnricus *Rex* Angliæ *& Dux* Normaniæ, [g] *& Comes* Andegaviæ. *Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris, & fidelibus ſuis totius* Angliæ, Francis *et* Anglis *ſalutem. Sciatis me dediſſe* Willielmo *Comiti* **Arundel**, *Caſtellum de* **Arundel**, *cum toto Honore* Arundelli *& cum omnibus pertinentiis ſuis; Tenendum ſibi et hæredibus ſuis, de me et hæredibus meis in feodo et hæreditate, et tertium denarium de placitis de* **Sutheſſex** *unde Comes eſt. Quare volo et firmiter præcipio, quod ipſe et hæredes ſui hæc prædicta habeant et teneant, benè et in pace et honorificè,*

g *Cart. Inſpex.* 5 Ed. 3. *membr.* 1. pro Richardo Comite Arundel. *& de Com. Hereford.* Videſis *Camd. Brit. pag.* 473.

England. *norificè, et liberè, et quietè et hæreditariè in Dominiis, in militibus, in feodis, et in foreſtis, in boſco, et plano, in pratis, et paſcuis, in viis, et ſemitis, in Burgo, et extra, in aquis et piſcaturis, et in omnibus locis cum omnibus libertatibus et liberis conſuetudinibus, prædicto honori et Caſtellariæ pertinentibus, ſicut* Rex H. *avus meus honorem illum habuit quando eum in ſuo Dominio habuit. Teſte* Theob. *Archiepiſcopo* Cant. Hillario *Epiſcopo* Ciceſtren. *N. Epiſcopo de* Ely *et Cancellario,* Willielmo *fratre Regis,* Rogero *Comite* Cornubiæ, Hugone *Comite de* Norfol. Henrico *de* Eſſex *Conſt.* Richardo *de* Hum. *Conſt.* Richardo *de* Lucy, War. *fil.* J. *Camer.* Joſcel. *de* Balliolo, Roberto *de* Duneſtanvilla, Roberto *de* Curci, *apud* Weſtmonaſterium.

For he was Earl [h] before this Charter, and ſtiled alſo ſometimes of [i] *Suſſex*, ſometimes of [k] *Chicheſter*, which at that time denoted but the ſame Perſon. For alſo the County of *Suſſex* was ſometimes called the County of *Chicheſter*, unleſs *Comitatus* were uſed for a Dioceſs; as in that of *John* of *Saliſbury*, who lived under this King *Henry* II. *In Comitatu* Ciceſtriæ (ſaith [l] he) *diutiùs honeſtiſſime verſatus eſt*, ſpeaking of one *Gauterius*, a Gentleman that had lived long in *Suſſex*, in his Letters to Pope *Adrian* IV. This King *Henry* alſo made ſuch a Charter to *Roger* Son [m] and Heir to *Milo* Earl of *Hereford*, as that of Queen *Maude* was, which before is inſerted. A Confirmation alſo, Livery, or Reſtitution of the dignity of the Earl of *Norfolk*, is made by [n] *Richard* the Firſt, to *Roger Bigot* in the ſame words that *Henry* II. confirmed it to *Hugh* Father of *Roger*, and another to *William* Earl of *Arundel*, [o] according to that alſo which he had received from the ſame King *Henry*.

So in the beginning of King *John*, *William de Ferrariis* hath Livery or Reſtitution of his Earldom of *Derby* in this [p] form.

JOhannes *Dei gratia* Rex Angliæ, *Dominus* Hiberniæ, &c. *Sciatis nos reddidiſſe et conceſſiſſe et preſenti carta confirmaſſe dilecto noſtro* Willielmo de Ferrariis *Comiti de* Dereby *tertium denarium de omnibus placitis placitatis per Vicecomitem in toto Comitatu de* Derebi *tam in* Derebi, *quam extra, unde ipſe Comes eſt, ſicut unquam aliquis anteceſſorum ſuorum illum melius habuerit, tenendum ſibi et hæredibus ſuis de nobis et hæredibus noſtris imperpetuum. Et ipſum tanquam Comitem propria manu gladio cinximus. Teſte* W. London *et* H. Sarum *Epiſcopis*, G. *filio* Petri *Comite* Eſſex. Ranulpho *Comite* Ceſtriæ, W. Mareſcallo *Comite de* Penbroc, Willielmo *de* Braios, Willielmo *filio* Alani. *Datum per manus* H. Cantuarienſis *Archiepiſcopi Cancellarii noſtri* apud Northamton. VII *die* Junii, *Regni noſtri Anno primo.*

h *Vide Matth. Paris An.* 1139 *Camd. Brit. pag.* 221.
i *Cart. Stephani R. in Rot. Pat.* 2 *H.* 6. *part* 3. *m.* 18. pro Abbate de Bekking.
k Tranſactio inter *Stephanum* R. & *Henr. Normaniæ* Ducem apud Hollinſh. *Hiſt. Angl. pag.* 63. *col.* 1.
l *Epiſt.* 15. *Adrian. apæ.*
m *Cart.* 1. *Joh. part.* 2. *Num.* 40. *m.* 6.
n 1 *Rich.* 1. *Cart. Antiq. S. n.* 14.
o *Cart. Antiq. X. num.* 29. & *Cart.* 5. *Ed.* 3. *membr.* 1.
p *Cart. Antiq. B. n.* 20.

And

And his Charter to *Henry* of *Bohun*, Earl of *Hereford*, is obſervable, wherein he [q] grants to him XX *libras de tertio denario Comitatus* Hereford *annuatim percipiendas, unde eum fecimus Comitem* Hereford, *& ipſe nobis cartam ſuam fecit quod ipſe vel Hæredes ſui nihil clamabunt unquam de nobis vel de hæredibus noſtris quos de uxore deſponſata habuerimus, per cartam* H. *Regis patris noſtri quam ipſe habuit in hac forma.* Then the whole Charter made to *Roger* Earl of *Hereford*, is recited, wherein (as in that of Queen *Maude* to *Milo*) the third peny of the Pleas of the County is given him among divers other things. *Hæc autem Carta* (ſaith King *John* in this to Earl *Henry*) *prædicti Regis* H. *Patris noſtri, depoſita eſt in Prioratu* Winton. *per manum* Godefridi Wintonienſis *Epiſcopi frangenda & deſtruenda, ſi hæredem de uxore nobis deſponſata habuerimus, ſin autem, idem* Henricus *de* Bohun *vel hæredes ipſius recuperabunt prædictam Cartam ad faciendum inde quod ſibi melius viderint expedire.*

England.

[q] Cart. 1. Johan. part. 2. mem. 6. n. 40. 28. April.

For the time of *Henry* III, we obſerve here eſpecially that of his granting, and confirming the Earldom of *Lincoln* to *John de Lacy*. *Randol* Earl of *Cheſter* and *Lincoln* ſeiſed in fee of his dignities, granted that of the Earldom of *Lincoln* to his Siſter the Lady *Hawiſe de Quency* by this Deed.

RAnulphus *Comes* Ceſtriæ *et* Lincolniæ *omnibus præſentibus et futuris, præſentem cartam inſpecturis vel audituris, ſalutem in Domino. Ad univerſitatis veſtræ notitiam volo pervenire me dediſſe, conceſſiſſe et hac præſenti carta mea confirmaſſe Dominæ* Hawiſiæ de Quency *Sorori meæ chariſſimæ Comitatum* Lincolniæ, *ſcilicet quantum ad me pertinuit, ut indè Comitiſſa exiſtat; Habendum et tenendum de Domino meo Rege* Angliæ *et hæredibus ſuis eidem* Hawiſiæ *et hæredibus ſuis liberè, quietè, plenè, pacificè et integrè jure hæreditario, cum omnibus pertinentiis ſuis et cum omnibus libertatibus ad prædictum Comitatum pertinentibus. Et ut præſens ſcriptum perpetuitatis robur optineat, illud ſigilli mei appoſitione roborare duxi. His teſtibus venerabilibus patribus* T. Winton. *et* Alexandro Coventr. *et* Lichf. *Epiſcopis,* R. *Mariſcallo Comite* Pembrochiæ, W. *de* Ferrariis *Comite* Derby, Stephano *de* Segrave *Juſtitiario* Angliæ, Simone *de* Monteforti, W. *de* Ferrariis, Phill. *de* Albiniaco, Henrico *de* Aldith, Willielmo *de* Cautilupo, *et aliis.*

It is tranſcribed from the Original, yet under Seal. She was thence ſtiled *Comitiſſa Lincolniæ* in that *Nuper obiit* brought by her other Coparceners after her Brothers death, which is before [r] mentioned out of the Plea Rolls of that time. But, at her requeſt, the King granted the ſame Earldom (which it ſeems, ſhe her ſelf had firſt granted, that ſo the King's Grant might ennure as a Confirmation) to her Son *John de Lacy*. And the Grant is thus remembred in the Rolls of that Time.

[r] §. 8.

Rex

England.
[f] *Pat.* 17 H. 3. *membr.* 9. *num.* 35.

REX *ad* [f] *Instantiam* Hawisiæ de Quency *dedit et concessit* Johanni de Lascy, *Constabulario* Cestriæ, *illas viginti libras quas* R. *quondam Comes* Cestriæ *et* Lincolniæ *recepit pro tertio denario Comitatus* Lincolniæ, *et quas prædictus Comes in vita sua dedit prædictæ* Hawisiæ *sorori suæ. Habendas et tenendas*, nomine Comitis Lincolniæ *de Rege et hæredibus suis. ipsi* Johanni *et hæredibus suis qui exibunt de* Margareta *uxore sua, filia prædicta* Hawisia *imperpetuum. In cujus &c. Teste Rege apud* Northampton XXII. *die* Novembris.

A form of a Creation also of the same King's time we have in his Charter to his Son *Edmond*, by which he gives him the Earldom of *Leycester*, after the death of *Simon* of *Momfort*.

EDwardus, *&c. Militibus liberis hominibus, et omnibus aliis tenentibus de Comitatu et Honore* Leyceſtriæ, *Senescalcia* Angliæ, *et de omnibus terris et tenementis quæ fuerunt* S. de Monteforti *quondam* Com. Leyceſt. *Salutem. Sciatis quod dedimus et concessimus* Edmundo *filio nostro prædicta* Comitatum, *Honorem, Senescalciam, terras et tenementa quæ fuerunt præfati* Simonis *inimici nostri, exceptis Dominicis nostris, habendum et tenendum de nobis et hæredibus nostris eidem* Edmundo *et hæredibus suis imperpetuum, faciendo servicium inde debitum et consuetum. Et ideo vobis mandamus quod eidem* Edmundo *tanquam Domino vestro in omnibus quæ ad prædicta Comitatum, honorem, Senescalciam, terras et tenementa pertinent de cetero intendentes sitis et respondentes sicut prædictum est. In cujus &c. Teste, &c.*

Under the words *Comitatus Leyceſtriæ*, the dignity of Earl is here comprehended. And the high Stewardship of *England* here mentioned, was taken to be afterward as a parcel of this Earldom, or annexed to it in those antient Earls. *Rex Henricus* (saith *Henry* of [t] *Knighton*, Canon of *Leycester*, speaking of this Creation) *Dedit Comitatum* Leyceſtriæ *cum honore de* Hincley, *et Senescatu* Angliæ, Edmundo *filio suo.* This Honour of *Hincley* and the Office of high Steward of *England* came first to the Earls of *Leycester*, by *Robert Blainchemains*, Earl of *Leycester*, his Marriage with *Parnel* one of the Daughters and Coheirs of *Hugh Grentemaisvil* under *Henry* II. *Robertus ove les Blanchemains* (saith the same *Knighton*) *tertius post Conquestum desponsavit* Petronillam *filiam* Hugonis Grentemevill (the name is *Grentemaisvill* often in *Domesday*) *cum qua accepit totum honorem de* Hincley *una cum Senescatu* Angliæ *ex dono ejusdem* Hugonis. But afterward at the Coronation of *Henry* IV. (who was Earl of *Leicester* before he came to the Crown) *dictus Dominus Rex* (as we read in the claim-Rolls of his first year) *ut in jure*

[t] *MS.*

Comi-

Comitatus Leyceſtriæ, *cui Officium Seneſcalli pertinet, idem officium commiſit* Thomæ *filio ſuo in Coronatione prædicta faciendum.* *England.*

For a form of the time of *Edward* the Firſt, I add this of the Earldom of *Richmond* to *John* Duke of[u] *Bretaigne.*

u *Cart.* 34. *Ed.* 1. *membr.* 4. *num.* 19. Videſis item renunciationem *Comitatus Norfolciæ ſub Ed.* 1. *in Rot. Parl.* 3 *H.* 6. *art.* 1.

EDwardus, *&c. Archiepiſcopis, &c. Salutem. Sciatis quod cum Comitatus* Richemund *Caſtra de* Richemund *et de* Bowes *et omnes terræ et tenementa, quæ* Johannes *quondam Dux* Britanniæ *defunctus in* Anglia *tenuit, per mortem ipſius Ducis ad manus noſtras jam devenerint, dedimus et conceſſimus, et hac Carta noſtra confirmavimus pro nobis et hæredibus noſtris, dilecto nepoti et fideli noſtro* Johanni de Britannia *Comitatum prædictum Caſtra et omnes terras et tenementa prædicta cum pertinentiis, habendum et tenendum de nobis et hæredibus noſtris, eidem* Johanni, *et hæredibus ſuis, Comitatum prædictum*, nomine Comitis, *Caſtra et omnes terras et tenementa prædicta cum feodis Militum, advocationibus Eccleſiarum, Domorum religioſarum et hoſpitalium, ſerviciis libere tenentium, liberis Chaceis, et Warrennis, una cum omnibus libertatibus, et liberis conſuetudinibus, ad Comitarum, Caſtra, terras, et tenementa prædicta partinentibus, ac cæteris pertinentiis ſuis univerſis, per ſervicia inde debita et conſueta imperpetuum, adeo libere et integre ſicut prædictus Dux pater ſuus ea de nobis tenuit in vita ſua. Quare volumus et firmiter præcipimus pro nobis et hæredibus noſtris, quod prædictus* Johannes *habeat et teneat de nobis et hæredibus noſtris, ſibi et hæredibus ſuis, Comitatum prædictum*, nomine Comitis, *Caſtra et omnes terras, et tenementa prædicta, cum feodis Militum, advocationibus Eccleſiarum Domorum religioſarum et hoſpitalium, ſerviciis libere tenentium, liberis Chaceis, et Warrennis, una cum omnibus libertatibus et liberis conſuetudinibus ad Comitatum, Caſtra, terras, et tenementa prædicta pertinentibus ac ceteris pertinentiis ſuis univerſis per ſervicia inde debita et conſueta imperpetuum, adeo libere et integre ſicut prædictus Dux pater ſuus ea de nobis tenuit in vita ſua ſicut prædictum eſt. Hiis teſtibus venerabili Patre* W. Coventr. & Lichf. *Epiſcopo*, Henrico de Lacy *Comite* Lincol. Thoma *Comite* Lancaſt. Radulpho *de* Monte-hermer *Comite* Gloceſtriæ *&* Hertford, Humfredo *de* Bohun *Comite* Hereford *&* Eſſex, Adomaro *de* Valencia, Roberto *de la* Ward. *Seneſcallo hoſpitii noſtri et aliis. Datum per manum noſtram apud* Lanertoft, *decimo quinto die* Octobris.

Per breve de privato Sigillo.

Under

England.

Under *Edward* the Second, these two are observable. The one to his Brother, *Thomas* of *Brotherton*, of the Earldom of [x] *Norfolk*. The other to *Andrew* of *Harcley*, of the Earldom of [y] *Carlile*.

[x] *Cart.6 Ed. 2 num.30.*

[y] *Pat.15 Ed. 2 part.2. membr.22.& Cart.15 Ed.2. membr.2.n.7.*

EDwardus, *&c. Archiepiscopis, &c. Salutem. Sciatis nos dedisse, concessisse, & hac carta nostra confirmasse* Thomæ *de* Brotherton *fratri nostro charissimo totum jus & honorem ac Dominium quæ* Rogerus *le* Bigod *quondam Comes* Norfolciæ, *& Marescallus* Angliæ, *habuit nomine Comitis in Comitatu* Norfolciæ, *& quæ ad manus celebris memoriæ Domini* Edwardi *quondam Regis* Angliæ *patris nostri per concessionem, redditionem, remissionem, & quietam clamationem ejusdem Comitis devenerunt et in manu nostra existunt, habendum & tenendum eidem* Thomæ *et hæredibus suis de corpore suo legitime procreatis de nobis et hæredibus nostris cum omnibus et singulis ad ea spectantibus, quocunque nomine censeantur; adeo integre, sicut præfatus Comes ea habuit et tenuit die concessionis, redditionis, remissionis, & quietæ clamationis prædictarum imperpetuum, et si contingat quod prædictus* Thomas *obierit sine hærede de corpore suo legitime procreato, tunc post decessum ejusdem* Thomæ *prædicta jus, honor, et Dominium, cum omnibus pertinentiis suis ad nos et hæredes nostros integre revertantur. Quare volumus et firmiter præcipimus pro nobis et hæredibus nostris quod prædictus* Thomas *habeat et teneat sibi et hæredibus suis de corpore suo legitime procreatis prædicta jus, honorem, et dominium quæ prædictus Comes habuit,* nomine Comitis, *in Comitatu prædicto, et quæ ad manus dicti Patris nostri per concessionem, redditionem, remissionem, et quietam clamationem prædictas devenerunt et in manu nostra existunt, de nobis et hæredibus nostris cum omnibus et singulis ad ea spectantibus, quocunque nomine censeantur, adeo integre sicut prædictus Comes ea habuit et tenuit die concessionis, redditionis, remissionis, et quietæ clamationis prædictarum imperpetuum. Et si contingat quod prædictus* Thomas *obierit sine hærede de corpore suo legitime procreato, tunc post decessum ejusdem* Thomæ, *prædicta jus, honor, et dominium cum omnibus pertinentiis suis ad nos et hæredes nostros integre revertantur, sicut prædictum est. Hiis testibus venerabilibus Patribus* W. Wigorn. J. Norwic. *et* J. Bathonens. *et* Wellen. *Episcopis*, Gilberto de Clare *Comite* Gloceſtr. *et* Hertford. Johanne de Britannia *Com.* Richemond, Adomaro de Valencia *Com.* Pembrochiæ, Hugone le Despens. Henrico de Bello Monte, Nicholao de Segrave, *& aliis. Datum*

per

per manum noſtram apud Weſtmonaſt. XVI *die* Decembris. *England.*

And he had other Charters of the ſame date for the Caſtles, Towns, Mannors, [z] Boroughs, Honours and Lands that were alſo ſurrendred to King *Edward* the Firſt (as the Earldom was) by Earl *Roger le Bigod.* That of the Earldom of *Carlile* is in theſe words.

[z] *Cart. 6 Ed. 2. num. 31, & 32.*

EDwardus *&c. Omnibus ad quos &c. Salutem. Sciatis quod pro bono et laudabili ſervicio quod dilectus et fidelis noſter* Andreas de Hartcla *nobis nuper impendit* Thomam *tunc Comitem* Lancaſtriæ *et alios ipſius fautores nobis ſubditos inimicos et rebelles noſtros debellando &, divina opitulante clementia, devictos nobis reddendo, dedimus ei & conceſſimus, pro nobis & hæredibus noſtris viginti libras de exitibus Comitatus noſtri* Cumbriæ, *per manus Vicecomitis Comitatus illius qui pro tempore fuerit percipiendas, & habendas ſibi & hæredibus ſuis maſculis de corpore ſuo legitime procreatis* ſub honore & nomine Comitis Karlioli, ipſumque Andream gladio cinximus in Comitem dicti loci. *Et pro ſtatu hujuſmodi uberius manutenendo conceſſimus pro nobis et hæredibus noſtris providere eidem* Andreæ *et aſſignare Mille Marcatas terræ et redditus per Annum, videlicet quingentas Marcatas in Comitatu* Cumbriæ *et* Weſtmorlandiæ, *et libertatibus adjacentibus, et quingentas Marcatas in* Marchia Walliarum; *habendum et tenendum eidem* Andreæ *et hæredibus ſuis maſculis ſicut prædictum eſt. Conceſſimus inſuper eidem* Andreæ *Mille Marcas ſingulis annis ad Scaccarium noſtrum ad quatuor anni terminos videlicet in tribus ſeptimanis Paſchæ, in quindena Nativitatis, Sancti* Johannis *Baptiſtæ, in quindena Sancti* Michaelis *et in octabis Sancti* Hillarii *percipiendas quouſque nos vel hæredes noſtri dictas Mille Marcatas terræ vel redditus per Annum ſibi fecerimus aſſignari. Ita tamen quod cum portio aliqua de dictis Mille Marcatis terræ vel redditus ſibi fuerit aſſignata, extunc tantum decidat de dictis Mille Marcis ad Scaccarium noſtrum ſibi aſſignatum ſicut prædictum eſt. In cujus &c. Per R. apud* Pontem-fractum XXV *die* Martii.

Per ipſum Regem, nunciante Magiſtro

Roberto *de* Baldock.

England. Afterward, under *Edward* III, thoſe preambles expreſſing the conveniency of advancing perſons of merit to honour, or the merit of the perſon created or both (which from thence to this day have for the moſt part continued in uſe) began to be prefixed to the Creations of Earls. In his eleventh year, when many were made in Parlament (the black Prince being then alſo created Duke of *Cornwal*) three of them, *William* of *Clinton* Earl of *Huntingdon*, *William* of *Bohun* Earl of *Nottingham*, and *Robert Vfford*, Earl of *Suffolk*, had the ſelf-ſame [a] ſyllables in their preambles that the black Prince had in his Charter of the Duchy of *Cornwal*, which (forſomuch as concerns the title) is anon inſerted where we ſpeak of Dukes. No difference at all is between them, until the names occurr after thoſe words *Noſtræq; conſiderationis intuitu ad perſonam dilecti & fidelis noſtri.* But whereas the Charter to the black Prince, hath a little after *intimius convertentes*; in the Earls *intimius* is omitted. Neither have I ſeen a preamble to a Creation, uſed with us, before this time. And ſome other were then created, and with a like kind of Patents to thoſe of the three before named, ſaving that their preambles differed. One example we add here. *Hugh* of *Audley* Earl of *Gloceſter* had this [b] Charter.

a *Cart.* 11 *Ed.* 3. *num.* 41. 49. & 52.

b *Cart.* 11 *Ed.* 3. *num.* 34. vide *ibid. num.* 50. 55. 68. & ſi placet *Rot. Parl.* 36 *Ed.* 3. *num.* 37.

EDwardus, *&c. Archiepiſcopis, Epiſcopis, &c, Salutem. Sciatis quod, cum ad attollenda regalis ſceptri faſtigia & regiminis negotia potentius & conſultius dirigenda conceſſerimus, ad requiſitionem Prælatorum & Procerum, ac Communitatis Regni noſtri in inſtanti Parliamento noſtro apud* Weſtmonaſterium *Convocato convenientium, numerum Comitum & perſonarum illuſtrium in eodem regno, duce domino, fœliciter adaugere; Nos ad probitatem ſtrenuam, claritatem generis & providentiam circumſpectam dilecti & fidelis noſtri* Hugonis de Audele, *nec non ad obſequia placida quæ nobis in opportunitatibus tam liberaliter quam grataner præſtitit, perſonæ vel rerum diſpendiis non vitatis, gratæ conſiderationis intuitum dirigentes ac ſperantes quod honoris adjectio probitati ſuæ gratum adjiciet incrementum, ipſum de definito dicti Parliamenti conſilio in* Comitem Gloceſtr. *præfecimus & de ſtatu Comitis, per* cincturam gladii *de munificentia regia, inveſtivimus ad* nomen & omen Comitis *dicti loci ſibi & hæredibus ſuis perpetuo retinendum. Et ut juxta tanti nominis decentiam poſſit honorificentius ſe habere, Dedimus, conceſſimus, & hac Carta noſtra confirmavimus, eidem Comiti & hæredibus ſuis viginti libratas redditus de exitibus Com.* Gloceſtr. *ſingulis annis, ad feſta Paſchæ et Sancti* Michaelis *per æquales portiones percipiendas, per manus Vicecomitis illius qui pro tempore fuerit imperpetuum. Quare volumus et firmiter præcipimus pro nobis et hæredibus noſtris quod prædictus* Hugo *et hæredes ſui prædictas viginti libras reddi-*

redditus de exitibus Comitatus prædicti ſingulis annis ad feſta prædicta pro æqualibus portionibus percipiant per manus Vicecomitis Comitatus illius qui pro tempore fuerit imperpetuum, ſicut prædictum eſt. Hiis teſtibus venerabilibus Patribus, J. *Archiepiſcopo* Cantuar. *totius* Angliæ *Primate Cancellario noſtro,* H. *Epiſcopo* Lincoln. *Theſ. noſtro,* D. *Epiſcopo* Winton. Johanne de Warrenia *Comite* Surriæ, Hugone *de* Courtenay, *Comite* Devon. Thoma Wake *de* Lydel, Rogero *de* Grey, Roberto *de* Ufford *Seneſcallo Hoſpitii noſtri, et aliis. Datum per manum noſtram apud* Weſtmonaſterium *decimo ſexto die* Martii. England.

Per ipſum Regem.

Thus the Patents about that time after the clauſes of Creation and Inveſtiture (which were of the ſame ſence in all; uſually, in the ſame words) gave the Earl, for his better ſupport, ſome revenue, moſt commonly out of the profits of his County. And ſometimes the revenue for ſupport of the dignity was given, *ſub nomine & honore Comitis pro tertio denario Comitatus illius*, as in the Creations of ſome other Earls in that age; as of *William* of *Clynton* Earl of *Huntingdon*, *William* of *Bohun*, Earl of *Northampton*, and of [c] *Edmond* of *Langley* Earl of *Cambridge*. And ſometimes great poſſeſſions in Lands, were given to the ſame purpoſe, as in that to *John* of *Gaunt*, by which he was created Earl of *Richmond*. *Ipſum* [d] *in Comitem* **Richmund**, *præfecimus & eum de Comitatu* **Richmond** *per cincturam Gladii ſolenniter inveſtivimus. Et cùm deceat, ut honori tanti nominis correſpondeat ſufficientia facultatis, dedimus & conceſſimus, pro nobis & hæredibus noſtris, & hac Carta noſtra confirmavimus, eidem Comiti, Caſtra, Maneria, Terras, Tenementa, & omnia alia loca ad prædictum Comitatum pertinentia; habendum & tenendum eidem Comiti & hæredibus de corpore ſuo exeuntibus una cum libertatibus & prærogativis omnimodis tam Regalibus quam aliis quas* Johannes *nuper Dux* Britanniæ *& Comes* **Richmond**, *habuit in Comitatu, Caſtris, Maneriis, &c.* And to ſtrengthen his Title in the Earldom thus given him, he had afterward a releaſe from *John* [e] Duke of *Bretaigne*.

[c] *Vide Cart. 11 Ed. 3. n. 41. & 6. & Cart. 36 Ed. 3. num 8.*
[d] *Cart. 16 Ed. 3. num. 2. & extract. Donat. 16 Ed. 3. membr. 4.*
[e] *Dorſ. claus. 35 Ed. 3. membr. 39.*

Under *Richard* II. diverſe times, lands, as well as rents of good value, are aſſigned in the Patents, *pro ſtatu Comitali decentius &* [f] *honorificentius ſuſtentando & manutenendo*, as the words ſometimes are. Sometimes alſo the yearly rent of twenty pounds or the like, out of the profits of the County, is given to him that is created [g] *ſub nomine Comitis*. But the moſt obſervable Patents of this time are thoſe two at his Coronation; the one to *Henry Percy* Earl of *Northumberland*, the other to *John* of *Mowbray* Earl of *Nottingham*. In both of which, it is granted that the Lands whereof they were ſeiſed, or ſhould afterward purchaſe ſhould be held *ſub honore Comitali*, and as parcel of their Earldoms. In that to the Earl of *Northumberland*, after the clauſes of Creation and Inveſtiture, which in this and others of that age were commonly *nomen & honorem Comitis Dedimus & ipſum in Comitem*

[f] *Joh. Holland. Comiti Huntingdon Cart. 11 R. 2. num. 25. Comiti Rutland. Cart. 13 Rich. 2. num 5.*
[g] *Cart. 1 Rich. 2. Comiti Buckingham, &c.*

England. *Comitem* N. *præfecimus ac de eiſdem nomine & honore per cinctũram Gladii inveſtimus habendum, &c.* or the like, XX pounds yearly is given to him out of the profits of the County, *ſub nomine Comitis Northumbriæ*, payable at certain Feaſts. *Volentes ulterius* (ſaith the [h] King) *De gratia noſtra ſpeciali, quod omnia Caſtra, Dominia, Maneria, terra & tenementa quæ eidem* Henricus *jure hæreditario vel adquiſitione propria præanteà tenuit & poſſedit, vel impoſterum eſt habiturus*, ſub honore Comitali, *& tanquam* parcella dicti Comitatus, *jure aliorum in omnibus ſemper ſalvo, de cetero teneantur.* The ſame ſence (almoſt the ſame ſyllables) is in that to the Earl of *Nottingham*. And afterward in his Creation of *Michael de la* [i] *Poole*, Earl of *Suffolk*, the annuity of twenty pounds aſſigned for his ſupport (according to his eſtate in the Honour) out of the profits of the County, is given *pro corpore ſtilo ſeu titulo Comitatus prædicti.* But I have not obſerved another, of any King's time, with thoſe kind of clauſes in them. The Patents of Creation of divers other Earls under this King *Richard*, are extant in the Rolls. And about the end of his Reign, five Earls have one and the ſame ſhort preamble. It is but *conſiderantes probitatem ſtrenuam, & providentiam circumſpectam ac geminatam morũ & generis claritatem dilecti & fidelis noſtri* N. This is the preamble to the Creations of *Thomas le Deſpenſer* Earl of *Gloceſter*, *Ralfe de Neville* Earl of *Weſtmerland*, *Thomas de Percy* Earl of *Worceſter*, *William Leſcrope* Earl of *Wiltſhire*, (that were [k] created in his XXI year) and *John* of *Beaufort* Earl of *Somerſet*, [l] created in his twentieth. And in the later ages alſo, the ſelf-ſame form of preamble (for ſo much as concerns the Advancement of men of merit) hath been uſed in ſeveral Patents.

h *Cart.1.Rich. 2.num.3.*

i *Cart.9.R.2. num.29.*

k *Cart.21 R.2 num.21. & 19*

l *Cart.20 R.2 num. 1. eadem ipſa vocabula in proœm. diplomatis, quo creatus eſt* Edmundus Comes Cantii, *habentur Cart. 5 E.4.num.18*

About the end of *Henry* IV. *Thomas Beaufort*, brother to the King, is created, (the clauſes of his Creation and Inveſtiture being as others of the ſame age, and like thoſe before cited out of the Earl of *Northumberland*'s Patent) into the Title of Earl of *Dorſet*, and twenty pounds yearly, are aſſigned for ſupport of the Honour given [m] *ſub nomine Comitis Dorſet.* And the ſelf ſame occurs in a creation of the Earl of *Northumberland*, [n] under *Henry* V, which words I find not uſed in any Creation of a later time.

m *Cart. 13 H. 4. mem. 3. n.2*

n *Cart. 13 H. 5. num. 6.*

But, if the perſon created were of a greater dignity before his Creation, then the Title was given him, in this age, without any clauſe of Ceremonial Inveſtiture, and ſo (it ſeems) without any actual Inveſtiture, as in that of *Henry* VI. to *John* Duke of *Somerſet* made Earl of *Kendal*. He only grants to him [o] *nomen, ſtilum, titulum & honorem Comitis de* Kendal, *ultra nomen Ducis* Somerſet, *& hæredibus maſculis de corpore, &c.* And ſo *Edward* IV. created his Nephew, *John*, ſon and heir of *John* Duke of *Suffolk*, [p] Earl of *Lincoln*, and *George* Duke of *Clarence*, Earl both of *Salisbury* and [q] *Warwick* by ſeveral Patents; without any mention of a Ceremony of Inveſtiture. The ſame King created Prince *Edward*, Earl both of *March* and *Pembroke*, by ſeveral patents of the ſame date, *ut ibidem præficiendo præſideat & præſidendo eoſdem* [r] *Comitatum partes ac marchias dirigat & gubernat*, and gives the honour, ſtile and name of Earl of each of thoſe Earldoms, without mention of any Ceremony of Inveſtiture in either of them. Sometimes alſo (though rarely in the age we ſpeak of) no expreſs mention is of it in the Patent, although the Title be given to one of an inferiour dignity; as in that by which *Edward* IV. [s] created *Henry* Vicount *Bourchier*, Earl of *Eſſex*. And when in the beginning of *Richard* III,

o *Car.21 H.6. membr.44.n. 45.& videCar. 9,& 10 Rich. 2.m.1.n.1.de* Johanne Duce Britanniæ *creato in Comitem Richmondiæ & Cart.15 Ed.4. m.12.n.13.*

p *Cart.7 Ed. 4.n.4.*

q *Cart.12 Ed. 4.num.11.& 12.*

r *19 Ed.4.m. 10.n.9 & 10. Julii 8.*

s *Cart.1 Ed 4. part.2.num.1.*

William

William Vicount *Berkley* was made Earl [t] of *Nottingham*, his Patent was firſt ſo drawn, without any mention of a Ceremony of Inveſtiture. But he had another of the ſame date, wherein a uſual clauſe of the Ceremony of Inveſtiture of that time was inſerted, and a *Vacat* was ſet on the inrolment of the firſt *quia aliter inferius*. But regularly, the whole Charters, of other Creations in that age, conſiſted only of the preambles, the clauſes of Creation and Inveſtiture which were ſometimes *ipſum Comitem N. Cum* [u] *titulo, ſtilo, loco, & ſede, nomine, authoritate, & honore eidem debito præficimus, erigimus, & ordinamus, & creamus, ac per cincturam Gladii realiter inveſtimus, habendum & tenendum eadem titulum, &c.* Sometimes [x] *ipſum per cincturam Gladii Comitem N. præficimus, erigimus, & creamus, eique nomen, ſtatum, dignitatem, honorem, præeminentiam, & ſtilum Comitis N. Damus & imponimus, habendum, &c.* or the like, and the aſſignment of a Rent of XX pounds out of the profits of the County, for the moſt part (though ſometimes more [y] were given) for the ſupport of the dignity, beſides the clauſes *Quare volumus & firmiter præcipimus* that the perſon created ſhould enjoy his honour and rent, or [z] *feodum* (as the Rent is ſometimes called) according to the Charter, and a *non obſtante aliquo ſtatuto, actu, &c.* both which are, but ſometimes only, added. Neither find I any other clauſes in the time that follows [a] until the XXI year of *Henry* VIII. ſaving that in the Creation of *Edward Courtney* Earl of *Devonſhire*, under *Henry* [b] VII, after the clauſes of Creation and of Inveſtiture, very many Caſtles, Mannors, Hundreds, and other Poſſeſſions are given him (but no annual rent or Creation money, as they now call it) and then the *habendum* comprehends together both the Honour and thoſe poſſeſſions, which were given him to hold, *in tam amplis modo & forma prout* Thomas *Pater* Thomæ *nuper Comitis* Devon. *aut aliquis alius Comes* Devon. *ante hæc tempora habuit & gaviſus fuit.* But in XXI of *Henry* VIII, after thoſe clauſes of Creation and Inveſtiture uſed in that time and the *habendum*, in the Patent of [c] Creation of *Robert Radcliffe* Viſcount *Fitzwalter*, into the title of Earle of *Suſſex*, follows *volentes & per præſentes concedentes pro nobis hæredibus & ſucceſſoribus noſtris quod præfatus* Robertus *& hæredes ſui prædicti nomen, ſtatum, gradum, dignitatem, ſtilum, titulum & honorem prædictum ſucceſſivè gerant, & habeant, & eorum quilibet gerat, & habeat. Et per nomen Comitis* Suſſex *ſucceſſivè vocitentur & nuncupentur & quilibet eorum vocitetur & nuncupetur; Quodque idem* Robertus *& hæredes ſui prædicti ſucceſſivè, ut Comites* Suſſex, *in omnibus teneantur, tractentur, & reputentur & eorum quilibet habeat, teneat, & poſſideat ſedem & locum in Parlamentis noſtris hæredum & ſucceſſorum noſtrorum infra Regnum noſtrum* Angliæ, *inter alios Comites, ut Comes* Suſſex; *Necnon dictus* Robertus *& hæredes ſui prædicti gaudeant & utantur, & eorum quilibet gaudeat & utatur, per nomen Comitis* Suſſex, *omnibus & ſingulis talibus juribus, privilegiis, immunitatibus ad ſtatum Comitis in omnibus ritè & de Jure pertinentibus quibus cæteri Comites dicti Regni noſtri* Angliæ, *ante hæc tempora melius honorificentius & quietius uſi ſunt & gaviſi ſeu in præſenti gaudent & utuntur.* And then it is concluded with the yearly Annuity of twenty pounds out of the profits of the Counties of *Surrey* and *Suſſex*. And in that age ſometime the Annuity or Creation money was alſo given, [d] not out of the County, but out of other profits. And when the Title was taken from a Town or [e] City, the Annuity

England.

t *Cart.* 1 *Rich.* 3. *membr.* 1.

u *Cart.* 5 *E.* 4. *num.* 18. Edmundo Comiti Cantii.

x *Pat.* 4 *Ed.* 4. *part.* 1. *m.* 10. *& videſis Cart* 6 *E.* 4. *num.* 13 *&* 12 *E.* 4 *n.* 9

y *Cart.* 12 *E.* 4. *num.* 9. *Ludovico Comiti Winton.*

z *Cart.* 5 *Ed.* 4. *num.* 18.

a *videſis Cart.* 1 *Rich.* 3 *m.* 1, *Pat.* 5. *Hen.* 8. *part.* 2. *memb.* 11 *&* 13.

b *Pat.* 1 *Hen.* 7 *part.* 1.

c *Pat* 21 *Hen.* 8. *part.*

d *Pat.* 29 *H.* 8. *part.* 1. Edwardo Seimour *Com. Hartford.*

e *Pat.* 30 *H.* 8. *part* 2. *Hen. Dom. Dawbney. Com. Bridgwater.*

England. Annuity was (as at this day) given either out of the County, wherein the Town was ſeated, or out of the ſame County with ſome other, or out of ſome port, or otherwiſe at the pleaſure of the King. But from that time of XXI *Henry* VIII, that clauſe of *volentes, &c.* as in that to the Earl of *Suſſex*, or the like, hath been for the moſt part inſerted in the forms of Creation of Earls. And about the end of this King *Henry* VIII, that uſe began of creating the perſon, to be honoured with the Title of Earl, into a Baron firſt (if before he were none) as we ſee in the example [f] of Sir *William Parre*, who by ſeveral Patents of the ſame date, having alſo the ſelf-ſame preambles (for alſo oft-times the Patents of ſeveral perſons have had the ſelf-ſame preambles) was created firſt Baron of *Horton*, and then Earl of *Eſſex*.

[f] Pat. 35 Hen. 8 part. 15. membr. 24.

Under *Edward* VI. the clauſe of Inveſtiture (after that of Creation) is ſometimes *ipſumque N. hujuſmodi* [h] *ſtatu, ſtilo, titulo, honore et dignitate per cincturam Gladii inſignimus, inveſtimus, et realiter Nobilitamus, et unam Capam honoris et dignitatis, atq; Circulum aureum ſuper caput ſuum ponimus, habendum, &c.* And ſometimes, *ac* [i] *ipſum N. in hujuſmodi ſtatu, titulo, honore, et dignitate Comitis N. per Gladii cincturam Capæ et Circuli aurei impoſitionem inſignimus, inveſtimus, et realiter nobilitamus per præſentes, habendum, &c.* which laſt clauſe or ſtile of Inveſtiture hath continued in uſe to this day. The ſeveral clauſes of former times, and the ſeveral Introductions of them being thus opened, we conclude here with the uſual form of the clauſes of Creation that are in Patents of the preſent age. After the King's ſtile, and a preamble conſiſting, for the moſt part, of the convenience of advancing men of merit to honour, and of the merits of the perſon to be honoured with the title of Earl, the Patent goes on with

h Pat. 1 Ed. 6. part. 6. membr. 19. & 3 Ed. 6. part. 7. Com. Wilts.

i Pat. 5 Ed. 6. part. 4. Comiti Pembroke.

SCiatis igitur nos de gratia noſtra & ſpeciali, ac ex certa ſcientia, & mero motu noſtris præfatum N. *in* Comitem A. *Nec non ad ſtatum, gradum, dignitatem, & honorem* Comitis A. *creximus, præfecimus, conſtituimus, & creavimus, Ipſumque* N. Comitem A. *tenore præſentium, erigimus, præficimus, conſtituimus et creamus per præſentes, Eidemque* N. *nomen, ſtatum, gradum, ſtilum, dignitatem, titulum et honorem* Comitis A. *impoſuimus, dedimus, et præbuimus, ac per præſentes imponimus, damus et præbemus, Ac ipſum* N. *hujus modii nomine, ſtatu, gradu, ſtilo, dignitate, titulo et honore* Comitis A. per Gladii cincturam & Capæ Honoris & Circuli Aurei impoſitionem, *inſignimus, inveſtimus, et realiter nobilitamus, per præſentes; Habendum et tenendum eadem nomen, ſtatum, gradum, ſtilum, dignitatem, titulum et honorem* Comitis A. *prædicti cum omnibus et ſingulis præheminentiis, honoribus, ceteriſque nomini, ſtatui, gradui, ſtilo, dignitati, titulo et Honori Comitis pertinentibus ſive ſpectantibus, præfato* N. *et hæredibus maſculis de corpore ſuo exeuntibus, imperpetuum. Volentes, et per præſentes concedentes, pro nobis hæredibus et ſucceſſoribus, noſtris, quod*

quod præfatus N. *et hæredes ſui maſculi prædicti nomen, ſtatum, gradum, ſtilum, dignitatem, titulum et honorem* Comitis A. *ſucceſſive, gerant et habeant, et eorum quilibet gerat et habeat, et per nomen* Comitis A. *ſucceſſive vocitentur et nuncupentur et quilibet eorum vocitetur et nuncupetur, et quod idem* N. *et hæredes ſui maſculi prædicti ſucceſſive ut* Comites A. *teneantur, tractentur, et reputentur, et eorum quilibet tractetur, teneatur et reputetur, habeantque, teneant, et poſſideant, et eorum quilibet habeat, teneat, et poſſideat ſucceſſive ſedem, locum, et vocem in Parliamentis et publicis Comitiis ac Conſiliis noſtris, hæredum, et ſucceſſorum noſtrorum infra Regnum noſtrum* Angliæ, *inter alios Comites, ut* Comes A. *Nec non dictus* N. *et hæredes ſui maſculi prædicti gaudeant et utantur, et eorum quilibet, gaudeat et utatur per nomen* Comitis A. *omnibus et ſingulis juribus, privilegiis, præheminentiis, et immunitatibus ſtatui* Comitis *in omnibus rite et de jure pertinentibus, quibus cæteri* Comites *dicti Regni noſtri* Angliæ *ante hæc tempora meliùs honorificentiùs & quietiùs, & liberiùs, uſi & gaviſi ſunt ſeu in præſenti gaudent & utuntur. Et quia, creſcente ſtatus celſitudine, neceſſariò creſcunt ſumptus & onera grandiora, & ut idem* N. *& hæredes ſui maſculi prædicti melius, decentius, & honorificentius ſtatum, honorem & dignitatem prædictam* Comitis A. *ac onera ipſi* N. *& hæredibus ſuis maſculis incumbentia manutenere & ſupportare valeant, & quilibet eorum valeat, Ideo, de uberiori gratia noſtra dedimus, & conceſſimus, ac per præſentes pro nobis hæredibus & ſucceſſoribus noſtris, damus & concedimus præfato* N. *& hæredibus ſuis maſculis prædictis viginti libras feodi, ſive annualis redditus ſingulis annis percipiendas, &c.* England.

Either out of County, out of the Cuſtoms, or Subſidies of ſome port, or out of ſome other revenue, according to the pleaſure of the King.

This kind of form is uſed in Creation of Earls at this day. Neither doth the form much differ (for ſo much as concerns this) when, by the ſame Patent, the Title of Baron, or of Duke is given together with it. When the Title of Duke is given with it, then the form of this Creation, extended only to the end of the clauſe *Volentes, &c.* which is concluded with *Gaudent et utuntur*, [k] precedes in the Patent, in thoſe few examples that have been lately of that nature. The perſons created being Earls of other places before, and ſo having in their new Creations, no Creation money added to their new Earldoms. And when that of Baron is given with it, then after the preamble and clauſes of Creation of a Baron, this of an Earl without any other preamble ſucceeds according to the form before ſhewed. The eſtate

k *Pat.* 21 *Jac. Ducibus* Richmond & Buckingham.

England. eſtate limited, at this day, is uſually to the heirs males of the body begotten, antiently the limitation was ſometimes in fee, ſometimes to the heirs of the body, and for life alſo.

XI. The *honorary poſſeſſions* of an antient Earl of this kind, or his Earldom, was called his *Honour* in ſuch a ſence as at this day we uſe the word *Honour* for a predial poſſeſſion; as we ſay *Honours*, *Caſtles*, and *Mannors*. And *Honor Comitis Glocestr.* *Honor Comitis Euſtachii*, *Honores Comitum*, and the like, to this purpoſe, occurr, in [l] *Domeſday*, in the old Pipe[m] Rolls, and elſewhere frequently. It is the ſame with *Comitatus*, when *Comitatus* ſignifies the body or predial poſſeſſion which is the Earldom of one of thoſe antient Earls that were not Palatin. For the Earldom of a Palatin Earl, that is Local, is deſigned by *Comitatus* either as it denotes a Shire or an Earldom. For his Shire and Earldom, or honorary poſſeſſion, are, for the moſt part, the ſame thing. Such an Earldom of that age is ſtiled alſo ſometimes *Baronia*[n] or *honor. Capitalis*. For the word *Baro* likewiſe, in a more comprehenſive ſignification, denotes an Earl alſo; whereof more anon in the title of Barons. Theſe honorary poſſeſſions conſiſted uſually of Caſtles, Mannors, and other Lands held in chief by common Knight Service, or Grand Serjeanty, or by both. For both were ſometimes reſerved together, beſides the Third penny, whereof enough is ſaid already. But that which we find in ſome antient authority touching the eſtimate of an Earldom by a certain number of Knights Fees, and the Title of *Pares Comitum* from that eſtimate, is a mere vanity. Thereof, more anon; where we ſpeak of Barons. I add here only, that no record of any Court that I have yet ſeen (though the mention of Earldoms be very frequent in them) gives any Teſtimony that taſtes of any ſuch matter. And we find expreſly that ſome great men * had many more Knights Fees than twenty; and yet were never thought to have poſſeſſed Earldoms. When the honorary poſſeſſions of Earls or their Earldoms were in the King's hand by Reaſon of an Eſcheat, or otherwiſe, they were uſually diſtinguiſhed from other Lands of the Crown, by the name of *Honores Comitum*, in the accompts made of them. And when any new Earl was created of ſuch an Earldom remaining in the King's hand, the poſſeſſions, by the name of the *Honor*, *Comitatus*, were commonly given him. And if an Earl were to be made of an Earldom not yet ſo known, then poſſeſſions were added, at the Creation, to create an Earldom alſo. Some light to this matter may be had out of the antient Creations before noted. And an example or two concerning it, we ſhall give here. Under *William* the firſt, there was no Earl of *Staffordſhire*. But the *Honor Comitum* is thus mentioned in *Domeſday*. *In Burgo de* Stafford *habet Rex in ſuo Dominio* XVIII *Burgenſes*, & VIII *vaſtas manſas. Præter has habet Rex ibi* XXII *manſas de* Honore Comitum. *Harum quinq; ſunt vaſtæ, aliæ inhabitantur*---Rogerus *Comes* (He was then Earl of *Arundel* and *Shrewesbury*) *habet tres manſas, quæ jacent ad* Halam. *Ipſe Comes habet intra murum* XXXI *manſas. Ex his* X *ſunt vaſtæ.* Hugo *filius ejus tenet de* Comitatu V *manſas, et pertinent ad* Burbeide. Robertus *de* Stafford *habet* XIII *manſas de* honore Comitum, *et pertinent ad* Bradley. *Ex his* IV *ſunt vaſtæ.* Willielmus *filius* Auſculfi *habet de* Comitatu IV *manſas quæ pertinent ad* Pennam *Manerium Comitis. Ex his una tantummodo eſt hoſpitata.* And in *Hoveden* we read that *Richard* the firſt gave the Earldom of *Glocester*, to his brother *John*

[l] *In Staffordſhire.*
[m] Rot. *mag.* 1 Rich. 1. Rot. *honorum*, & ſæpius *in* Rot. *mag. Hen.* 2. *lib. Rub. Scacc. Ms. pag.* 61. & 152, &c.
[n] *Lib. Rub. Scacc. Ms. pag.* 64. 75. 108. & 249. *Glanvil. lib.* 9. *cap.* 4. *Mag. Cart. cap.* 31. &c.
* *Vide Camd. Brit. pag.* 588. *de* Nigello de Albenie *qui* 120. *feoda militaria tenuit ſub Henrico* 1. &c. ſed innumera ejuſmodi teſtimonia habentur apud *Alexandrum Salopeburienſem in lib. Rub. Scaccarii.* Et vide infra §. 17, 18. &c.

John, afterward King of *England*, with *Isabel* one of the Daughters and Coheirs of *William* Earl of *Gloceſter*. Of what nature and value that Earldom then was, appears in the Pipe [o] Roll of the ſame time under the title of *Honor Comitis Gloceſtre*. *Hugo Bardulf* (ſays the Roll) *reddit compotum de* XLII *libris* XIII *ſolidis et ſex denariis de veteri firma* Honoris Comitis Gloceſtriæ. *Et idem de* CCC LXX *libris et* XVIII *ſolidis et* IX *denariis de firma Maneriorum ejuſdem* Honoris *de tribus partibus anni antequam Rex daret eundem* Honorem Johanni *fratri ſuo. Et de* XXXII *libris de* tertio denario Comitatus *de dimidio Anno*. And in the ſame Roll alſo under the Title of *Lancaſtria* (the Earldom whereof was alſo then given to the Lord *John*) the accompt is of fifty pounds paid to him *de quarta parte Anni*; *et à modo totum*. Other like paſſages for the nature and value of antient Earldoms are frequent both in ſtory and the Rolls. And for the tenure of theſe Earldoms I add an example or two out of the Records [p] of the time of King *John*. *Comes* Eſſex *Pleſſetum* (*tenet*) *cum* honore Comitis *per* LX *milites*. *Comes* Albricus (the Earl of *Oxford*) *tenet* **Hengham** *cum Honore per* XXX *milites*, and ſuch more are obvious. And the chief ſeat or Caſtle of the Earldom ſo held, was called *Caput* [q] *Comitatus*. And in this ſence is *Comitatus Integer* uſed for a whole Earldom in the *Grand* [r] *Charter*, in [ſ] *Bracton*, and elſewhere. And *ſervitium quartæ partis unius* [t] *Comitatus*, and the like, from the ſame ſence, occurrs, for the ſervice of a fourth part of an Earldom. And upon the death of every antient Earl that had ſuch honorary poſſeſſions (whereof his Earldom conſiſted) his heir being of full age, was at his livery to pay a C pounds for a relief to the King, as we ſee by the Grand Charter, before which, however this and that of *Barons*, alſo be there called *antiquum Relevium* (as perhaps, by the moſt uſual [u] compoſition, they were long time before the grand Charter was agreed on; and in that ſence alſo *juſta et legitima releviatio* may be underſtood in the Laws of *Henry* the firſt in *Matthew Paris*) yet the reliefs, both of Earls and Barons, were not, in practice, reduced to that certainty [x] until that Charter was fully ſetled. And if the ſame perſon died ſeiſed of ſeveral Earldoms, his heir payed for each Earldom a ſeveral relief of a C pounds; and ſo alſo proportionably for the parts of an Earldom.

England.

o Rot. mag. 1. Rich. 1. Rot. Honorum.

p Inquiſ. Temp. Joh R. in lib. Rub Mſs. Scaccarii. fol. 135 b.

q Malmesb. Novell. lib. 2. p. 184. Ed Franc. & Bracton. lib. 2. cap 34. §. 1. fol. 76.

r Cap. 2.

ſ Lib. 2. cap. 36

t Eſc. 30 Ed. 1 nu. 30. Suſſex.

u Vide infra §. 18.

x Vide Autorem quem Glanvillam dicimus, lib. 9. cap. 4.

But for thoſe Earldoms and *Reliefs*; we inſert here ſome moſt obſervable teſtimonies out of the Rolls. Under *Henry* the third, *John de Pleſſetis* was Earl of *Warwick* for life, the remainder to [y] his Aunt *Alice* the Wife of *William Maudit* Baron of *Hanſlap* in fee. She had iſſue *William Maudit*, and died, and then *John de Pleſſetis* died alſo. Her Son *William* was heir to the Earldom, and upon ſecurity given to the Eſcheator for his Relief of a C pounds, had his livery. *Rex cepit homagium* (ſaith the [z] Record) *Willielmi Maudit de* **Honſlep**, *de Caſtro, Honore, Manerio de* **Warwicke**, *& Manerio do* **Brelles**, *& de omnibus aliis terris & tenementis de quibus* J. de Pleſſetis *quondam Comes* **Warwicke** *obiit ſeiſitus tanquam pertinentibus ad Honorem Comitatus* **Warwicke** *& quæ ad dictum* Willielmum *jure hæreditario debent pertinere, & ei Caſtrum, Honorem, Maneria, terras, & tenementa reddidit. Et mandatum eſt* Willielmo *de* **Weyland** *Eſcaetori citra* Trentam, *quod accepta à præfato* Willielmo *ſecuritate de* C *libris Regi Reddendis ad Scaccarium* pro Relevio ſuo, *eidem* Willielmo *&c. plenam &c. T.* IV *die Aprilis*. And that alſo of *John de Bohun* Earl of *Eſſex*,

y Eſcaetr. 47 H. 3. num. 17.

z Orig. 47 Hen. 3. Membr. 6. in Scaccario & Rot. Fin. ejuſdem anni intus. 8.

England. *Eſſex* and *Hereford*, becauſe it gives light to the nature of Honorary poſſeſſions and the payment of Reliefs both of this and ſome other dignities, deſerves a place here. *John de Bohun* (ſon and heir of *Humfrey de Bohun*, ſon and heir of *Humfrey de Bohun* Earl of *Eſſex* and *Hereford*) being called in the Exchequer about the beginning of *Edward* III, to anſwer to the King for the Reliefs due for his inheritance upon his Father's death. *Venit per* Richardum *de* Ty (ſo are the words of the Roll) *attornatũ ſuũ & dat Domino Regi* CCLI *libras* II *ſolidos* III *denarios pro Relevio prædicti* Humfredi *patris ſui de terris et tenementis prædictis, videlicet* C *libras pro* Comitatu Eſſex, C *libras pro* Comitatu Hereford, XXII *libras* IV *ſolidos* V *denarios ob. pro tertia parte Feodorum quæ quondam fuerunt* Adæ de Portu *qui eadem* feoda *tenuit per Baroniam*; XXII *libras* IV *ſolidos* V *denarios ob. pro tertia parte honoris de* Brecknock *qui honor tenetur de Rege per Baroniam* (*et quæ quidem duæ Baroniæ* Adæ de Portu *et* Brecknock *quondam fuerunt* William de Breaus *anteceſſoris præfati* Humfredi *patris ſui inde ut dicit*) *et* X *Marcas pro tertia parte quintæ partis* Comitatus Mareſcalli, *quæ quidem* Comitatus Eſſex & Hereford, *tertiam partem feodorum, tertiam partem Honoris & tertiam partem quintæ partis* Comitatus Mareſcalli *dicit præfatum* Humfredum *avum ſuum tenuiſſe in capite die quo obiit de prædicto avo Regis nunc. Requiſitus dictus* Johannes de Bohun *quæ Caſtra, villas, maneria, terras & tenementa dictus* Humfridus *avus ſuus habuit & tenuit ſigillatim die quo obiit de* Comitatibus Eſſex, Hereford, *feodis, honore &* Comitatu Mareſcalli *prædictis, dicit & cognoſcit quod dictus avus ſuus tenuit de dicto* Comitatu Eſſex *Caſtrum & villam de* Plaſeys, *manerium de* Walden, Depeden, Waltham, *Alta* Eſtre & Northamſtede *in Comitatu* Eſſex, *Maneria de* Kymbanton & Wereſſe *in Comitatu* Huntingdon, *Manerium de* Agnodeſham *in Comitatu* Buckingham, *Manerium de* Enfeld *in Comitatu* Middleſex, & *Manerium de* Walton *in Comitatu* Surrey, *quæ Caſtrum Villa & Maneria aliquando fuerunt de Baronia* Willielmi *de* Mandevil, *quondam Comitis* Eſſex, & *de dicto* Comitatu Hereford, *Manerium de* Wokeſly *in Comitatu* Wiltes, *Manerium de* Whytehereſt *in* Comitatu Gloceſtre, *Caſtrum de* Caldecote, & *Villam de* Pewton *in* Wallia, & *ſimiliter Maneria de* Fobbings, Shenefeld, Queneden & Farnham *in Comitatu* Eſſex. *Quæ quidem Maneria de* Fobbings, Shenefeld, Queenden & Farnham, *dicit prædictum Regem* Edwardum *avum dediſſe præfato* Humfrido *avo in Eſcambium pro caſtro & terra de* Harford *in* Wallia, *quæ Caſtra & terra de* Harford *prius fuerant particula ejuſdem* Comitatus Hereford, *et de Baronia* Comitatus Hereford, *quæ quondam fuit* Humfridi de Bohun. *Et de dictis feodis quæ fuerunt* Adæ de Portu, *Caſtrum et terras de* Hain, *Caſtrum et terras de* Huntingdon *et Villam de* Kniton *in* Wallia; *et de prædicto honore de* Brecknock *Caſtrum et terram de* Brecknock *in* Wallia; *ac etiam quod idem avus ſuus tenuit Medietatem Manerii de* Crondon *in Comitatu* Buckingham, *per ſervitium dictæ tertiæ partis quintæ partis dicti* Comitatus Mareſcalli. *Et ſcrutatis rotulis &c. ſuper oneratione relevii anteceſſorum* Humfridi de Bohun, *patris prædicti* Johannis de Bohun *&c. Compertum eſt in magno rotulo de anno* XII *Regis* Edwardi *Avi Regis nunc in* Eſſex Hereford, *quod* Humfridus de Bohun *quem dictus* Johannes de Bohun *dicit fuiſſe anteceſſorem ſuum alias oneratus fuit conſimili modo de relevio ſuo pro prædictis Baronia de* Mandevil, & *Baronia* Comitis Hereford *ac tertia parte quintæ partis* Comitatus Mareſcalli. *Et quod idem* Humfridus de Bohun one-

1 *Comm. Paſch. 6 Edw. 3. Rot. 10*

rãtus

ratus fuit *ibidem de* L *Marcis de relevio ſuo pro tertia parte feodorum* *England*
quæ fuerunt Adæ de Portu *& de* L *Marcis pro tertia parte honoris de* **Breghnok** *& ſic de majori ſumma quam prædictus* Johannes de Bohun *oneratur inde ad præſens, eo quod Relevium prædictum oneratum fuit tanquam pro tertia parte prædictarum Baroniarum ante confectionem* Magnæ Cartæ, *de libertatibus* Angliæ, *quo tempore Relevium pro Baronia aſſeſſum fuit ad* C *libras & poſt confectionem ejuſdem Cartæ ad* C *Marcas tantum, juxta quarum* C *Marcarum ratam, prædictus* Johannes de Bohun *oneratur ſuperius de relevio dicti avi ſui pro partibus dictarum Baroniarum* Adæ de Portu, *&* **Breghnok** *prædictis. Quæ quidem duæ Baroniæ poſt deſceſſum dicti* Willielmi de Breaus *deſcenderunt jure hæreditario tribus filiabus & hæredibus ipſius* Willielmi, *videlicet*, Matildæ *primogenitæ filiæ quæ nupſit* Rogero de Mortuo mari, Evæ *ſecundæ filiæ quæ nupſit* Willielmo de Cautilupo, *&* Alianoræ *tertiæ filiæ quæ nupſit* Humfrido de Bohun *anteceſſori prædicti* Joannis de Bohun, *quorum hæredum nomina plerum annotantur in Magno rotulo de anno* XXXVIII *Regis* Henrici *tertii in* Hereford, *ubi iidem hæredes onerantur de feodi dicti* Willielmo de Breaus. But it appears afterward that he had the whole Barony of *Breghnok*, and ſo pays for it C Marks, and for the reſt, as he firſt offered. Divers parts of this record are for ſeveral uſes obſervable. But that which is ſpoken of in it touching another value of Relief of a Barony in XII of *Edward* the firſt, which ſeems there to be ſtiled a time, before the making of the grand Charter, is to be underſtood (as I conceive) as if it meant that the confirmation or exemplification of *Henry* the third's grand Charter in XXV or XXVIII of *Edward* the firſt (or is that by which we have *Henry* the third's at this day) were the very grand Charter it ſelf, and that the certainty of Reliefs, which we find in it had not been clearly till then received into practice. But however, it is moſt certain that what we have in the grand Charter was, as we now have it, granted not only in the time of *Henry* the third, but alſo under King *John*, as we ſee in *Matthew Paris*, *Roger* of *Wendover*, and others. And I have uſed an Original of it that had been ſealed by King *John*.

Under *Edward* the third alſo, *Thomas* of *Beauchampe*, Earl of *Warwick*, as ſon and heir to *Guy* Earl of *Warwick*, ſon and heir to *William* of *Beauchampe* Earl of *Warwick*, by *Robert* of *Aſton* his Atturney in the Exchequer, *Cognovit dictum* Willielmum (as the Rolls [b] ſays) *tenuiſſe de Rege in Capite die quo obiit Caſtrum, & Honorem, & Maneria de* **Warwicke & Brailes**, *cum pertinentiis, per Comitatum & nomine Comitis* **Warwicke** *& dat Domino Regi* C *libras pro relevio prædicti* Guidonis, *inde aſſerens Comitatum illum quondam fuiſſe* Willelmo Maudit *de* **Hampſhape** *anteceſſoris ſui*, whereupon they ſearcht the Rolls of former time, and found that of the XLVII of *Henry* the third before cited. But this Relief was with others diſcharged by power of [c] Parlament under the ſame King, in whoſe time alſo (ſearch being [d] made in the Exchequer, for the Reliefs due from *Henry* Earl of *Lancaſter*, ſon and heir of *Henry* Earl of *Lancaſter*) it was found that his Father had been charged with the Reliefs of fifty pounds, *pro Honore Villa & Caſtro de* **Leyceſtre** *quæ quondam fuerant* Symonis de Monteforti, *videlicet pro medietate Hæreditatis quæ quondam fuit* Roberti de Melan *quondam Comitis Leyceſtriæ*, and of a hundred Marks for the Barony of Viſcount in *Northumberland*, and of a hundred pounds *pro Comitatu* Lancaſtriæ, *& de* C *libris pro Comitatu*

b *Comm. Mich. 14 Ed. 3 R. 1. ex parte Rem. Theſ.*

c *11 Ed. 3. Par. 1. cap.*
d *Com. Hil. 25 Ed. 3. Rot. 1. ex parte Rem. Th. & Hil. 6 Ed. 3. Rot.*

England. Derby *integro.* And therefore he was now charged with the like, the ſame honours being deſcended to him from his Father.

Other examples are of this nature of theſe kind of Earldoms, conſiſting of Caſtles, Towns, or Lands. But alſo the annual rent or Creation money, in caſe where it hath been given expreſly *ſub nomine & honore Comitis*, hath been divers times adjudged upon great deliberation an Earldom within the grand Charter, and ſo the Relief of C pounds hath been paid for it. *William* of *Vfford* Earl of *Suffolk*, being called under *Edward* the third to anſwer for his Relief in the Exchequer, ſhewes firſt this Charter of his Father's Creation made in the XI of the ſame King, who gave him in the ſame Charter, according to his eſtate in the Earldom, XX *libras ſub nomine & honore Comitis* Suffolk *de firma ſive exitibus Comitatus* Suffolk, and that he was ready to pay his Relief as the Court ſhould award. He ſhews further that about a fortnight after the Creation, the King gave his father divers poſſeſſions of a M marks yearly revenue, under ſeveral tenures, *ut idem Comes ſtatum & honorem Comitis decentius continuare & melius manutenere ac onera tanto honori incumbentia valeret facilius ſupportare.* Hereupon (as the Roll ſays) *ſuper præmiſſis inter Cancellarium* Angliæ, *Theſaurarium*, *Barones Scaccarii & Juſticiarios de utroque Banco, concordatum eſt & conſideratum quod præfatus nunc Comes oneretur verſus Regem de* C *libris pro relevio ſuo pro prædictis* XX *libris quas prædictus* Robertus *nuper Comes pater ſuus percepit & idem nunc Comes percipit annuatim de firma ſive exitibus dicti Comitatus* Suffolk *ſub nomine & Honore Comitis* Suffolk, *tanquam pro Comitatu Integro.* And for his other poſſeſſions, he paid only according to the tenures reſerved out of them.

g *Comm. Hill. 7 Hen. 4. Rot. 2.* The like was adjudged under *Henry* IV in the caſe of *Edward* [g] Earl of *Cambridge*, ſon and heir of *Edmund* of *Langley*, who was created Earl of *Cambridge* by *Edward* the third. And in his Patent the annuity of XX pounds was given him, (according to his eſtate in the Earldom)

h *Cart. 26 Ed. 3. num. 8.* *ſub* [h] *nomine & honore Comitis* Cantabrigiæ *&c.* This being ſhewed by this Earl *Edward*, he offers alſo to pay his Relief as the Court ſhall award. Thereupon, the like advice being taken as in that caſe of the Earl of *Suffolk*, *viſiſque* (as the Roll of this ſays) *aliis recordis hujus Scaccarii per eoſdem, ſuper oneratione conſimilis relevii in eodem caſu*, the like judgment is given, as is before cited out of that of the Earl of *Suffolk*.

But in the later ages, the grant of the annuity or Creation money being without thoſe words *Sub nomine & honore Comitis*, and only *ut honorificentius dignitatem ſuſtineat*, or the like, the heirs of Earls ſo created pay not Reliefs for thoſe annuities, as for Earldoms or otherwiſe, but only pay according as the tenure of their other [i] poſſeſſions require without relation to their dignity of Earl. Although, indeed, ſometimes the heirs and ſuch as have not had their Creation money granted with the addition of thoſe words *ſub nomine &c.* have pleaded by miſtaking that it was ſo granted to their Anceſtor at the Creation, and thence inconſiderately charged [k] themſelves with the payment of a hundred pounds for a Relief, no otherwiſe than as if in truth thoſe words had been in their Charters.

i *Vide Comm. Tr. 13 Jacob. Caſ. Fr. Cómitis Rutland.*

k *Comm. Mich. 11 H. 7. Rot. 4. Caſ. Georg. Comitis Kantii. Diploma verò quo creatus eſt pater ejus* Edmundus, *Habetur Cart. 5 Ed. 4. num. 18.*

With this matter of Reliefs of Earls, we obſerve alſo that old law of *William* the firſt, whereby we may ſee how different the nature of an Earl's Relief in his time was, from what the grand Charter afterward appointed. *De Relief al Count* (ſaith that [l] Law) *que al Rei a-*

l *Leg. Guil. 1. cap 22. in Notis ad Eadmer. pag. 180. & vide Glanvil lib. 9. cap. 4.*

fiert,

fiert, VIII *Chevelz ſelez e enfrenez*, IV *Halbers*, *e quatre Haumes*, *e* IV *Eſcuez*, *e* IV *Launces*, *e* IV *Eſpes*, *les altres* IV *Chaceurs*, *e Palfreis a freins e a Cheveſtres*. I tranſcribe it as I find it, but ſome of it is too obſcure for me to interpret it. But we ſee that Reliefs of Earls were payable in Arms and Horſe for the moſt part. Perhaps this Law continued and Reliefs were ſo legally payable (though compoſitions were ſometimes for money, whence the uncertainties, and by reaſon of them, grievous exactions of Reliefs were uſed) in Arms until the XVII of *Henry* the ſecond. For then by the Aſſiſe of [m] Arms, it was ordained what Arms every man ſhould keep; and that, for every Knight's Fee, a Coat of Maile, a Helmet, a Target and a Launce were to be kept. And that if any Tenant, having ſuch Arms, died, the Arms ſhould continue to his heir if he were of full age; if not, he that had him in ward ſhould find a man that could uſe them in the King's ſervice, until the heir were of full age, and then reſtore them to him. It is not unlikely that upon this Law, Reliefs came to be paid in money. For the Arms were no more, after that Aſſiſe, to be taken, but preſerved for the heirs. And the Law it ſeems extended to Earls and Barons whoſe Earldoms and Baronies conſiſted but of Knight's Fees held in Chief, though of no certain number, as anon is ſhewed more fully in §. XVIII, where you may ſee more of the old Reliefs of Barons, by which alſo light is given hither; eſpecially in this ſcruple, how it is to be underſtood that, the Relief of a Knight's Fee being ſaid to have been of certainty, yet the Reliefs of Earldoms conſiſting of Knights Fees, were ſo uncertain.

England.

m 27 *Hen.* 2. *apud Roger. de Hoveden. pag.* 350. *Ed. Lond.*

XII. Beſides the Poſſeſſions, which made their Earldoms, and the eminent Power which by reaſon of thoſe Poſſeſſions they moſt commonly had in their Counties, it may perhaps be conceived that they had alſo ſome ſuch power, in the more antient times, through their Counties as if they had been legal Governours of them under the King. The ſtory of *Leulfun* and *Leodwin*, under *Walcher* Biſhop of *Durham*, and (as it is taken) Earl of *Northumberland*, in the time [n] of *William* the firſt, may give ſome argument of perſwaſion to this purpoſe. And when *Roger* of *Montgomery* was made Earl of *Shrewesbury* by the ſame King, the County it ſelf was ſubject to his command. *Warino Calvo corpore parvo* (ſaith [o] *Odericus Vitalis* of that Earl) *ſed animo magno* Aimeriam *nepotem ſuam et præſidatum* Scrobeſburiæ *dedit*, *per quem Guallos alioſq; ſibi adverſantes fortiter oppreſſit et provinciam totam ſibi commiſſam pacificavit*. Gulielmum *cognomento* Pantulfum, Picoldum *atq;* Corbatum *filioſq; ejus* Rogerum *et* Rodbertum *alioſq; fideles fortiſſimoſq; viros Comitatui ſuo præfecit, quorum ſenſu et viribus benigniter adjutus inter maximos optimates maximè efforuit*. That paſſage alſo of the Earl of *Cornwal* that had *ampliſſimum ſub Rege Principatum* or *principatus Dominatum* under King *Stephen*, [p] and divers other like may belong to this conſideration. But eſpecially that of *William Fitz-Osberne* Earl of *Hereford* under *William* the firſt. It may be thought that he exerciſed a power of making his Laws in his County, which had force alſo and continuance after his death. For thus ſaith *William* of *Malmesbury* ſpeaking of his liberal hand, and of his Indulgence to his ſouldiers, whom he maintained for the defence of the Marches of *Wales*. *Factum eſt*, *ut Militum multitudine* [q] *quibus larga ſtipendia dabat*, *hoſtium aviditatem arceret*, *civium ſedulitatem haberet*:

n Rog. *de Hoved. Annal. part.* 1. *p.* 558. *Ed. Fr.*

o *Hiſt. Eccleſ. lib.* 1. *pag.* 521.

p *Geſta R. Steph. pag.* 950

q *De geſt. Reg. lib.* 3. *pag.* 105.

England. *haberet. Quare pro effusis sumptibus, asperrimam Regis offensam incurrit quod gazas suas improvidè dilapidaret. Manet in hunc diem in Comitatu ejus apud* Herefordam, Legum *quas statuit* inconcussa firmitas, *ut nullus miles pro qualicunque commisso plus septeni solidis solvat; cum in aliis provinciis, ob parvam occasiunculam in transgressione præcepti herilis, viginti vel viginti quinq; pendantur.* The Law that was thus made touching the fining of Souldiers in that County, continued till *Malmesburie*'s time, at least, who lived under *Henry* the first. And *Administratio Comitatus*[r] is remembred in *Hoveden*. But these and the like passages, I conceive, prove not that the Earls of those times, as Earls, had any power or jurisdiction through the Counties that denominated them. In their possessions or Earldoms they had such jurisdiction and other privileges as they had received by the King's grant, and such power besides as the largeness of their possessions and number of tenants only gave them. But otherwise, I think, none, since the time of the *Normans*. And for those testimonies before brought, that may seem to perswade the contrary; that *Walcher* Bishop of *Durham* (if he were Earl of *Northumberland*) was, I think, Sheriffe also. He had *Curam Comitatus Northimbrensium*, as is already noted. And one *Gilbert* his Kinsman was his Under-sheriff. So I understand that of *Hoveden* in the same story. Gilberto, *quia suus propinquus erat, Comitatum* Northimbrensium *sub se regendum commiserat.* And it appears he executed such a kind of power as belongs to a Sheriff in the County. And if in truth he were Earl, yet I doubt not but that he had the Sheriffwick also by special grant, as some other Earls in those elder times had likewise. Whence the just interpretation of that of *Roger* Earl of *Shrewesbury* is also to be had. For he had also the Sheriffwick of *Shropshire*. And under him, it seems, as an Under-Sheriff, was that *Warinus*, to whose charge as well the Military defence as Civil government of the County or Sheriffwick was committed. For in that place of *Ordericus*, I take *Provincia* for the County or Sheriffwick; But *Comitatus* for his Earldom, or his honorary possessions. For those five to whom his *Comitatus* (as *Ordericus* says) was committed (*William Pantolf, Picot, Corbet*, and his two sons) were the greatest tenants of the lands of this Earl's Earldom, which were very great in that County. And by their rents and personal service (for I would read *quorum censu et viribus*, not *sensu*) they so assisted him in his government that belonged to him as Sheriff, that they made his greatness equal to what *Ordericus* expresses of him. They are all named in the Book of * *Domesday*, where their several possessions are numbred. *Rogerius Corbet tenet de Comite, &c.* So *Willielmus Pantulf, Rogerus filius Corbet* and *Rotbertus filius Corbet* have their several places and possessions under the title of *Terra Comitis Rogerii*, as Tenants to him. But for that *Picoldus, Picot* is in *Domesday*; and those *alii fideles fortissimiq; viri* are there likewise named as *Walchelinus, Turold, Helgot, Hugo F. Turgisi, Gerardus, Nigellus*, and such more. Now, that he was Sheriff of the County at the same time, is in expres words shewed by that infallible authority of *Domesday*. *Ipse Comes Rogerius* (saith the Book) *tenet de Rege Civitatem* Scropesberie *et totum Comitatum* (where *Comitatus* signifies the County or Sheriffwick; for his Earldom is otherwise denoted in his large possessions there also reckoned) *et totum dominium quod Rex* Edwardus *ibi habebat cum* XII *Mansis quos ipse Rex tenebat cum* XLVII *Berwichis* (Hamlets, Villages or the like) *ibi perti-*

[r] *Sub Initio Regis Johannis*

* *In* Scyropscyre. *Terra Comitis* 4.

pertinentibus. Et alios XI *Manſos habet idem Comes in eadem Scyra.* *England.*
Inter totam, id eſt, Civitatem et Manſos, et Hundreda, et placita Comitatus (theſe words ſhew the Office of Sheriff) *reddit* CCC *libras et* CXV *ſolidos de firma.* Nor is it againſt this, that one *Raynaldus*, over whoſe name, *Vicecomes* is written in the ſame Book as antiently as the reſt of the volume, occurrs there in *Shropſhire* at the ſame time. It may be that was but a note of a ſurname. For ſurnames are there frequent enough. But alſo it may denote ſome Sheriff of another County, or perhaps one that was ſometime imployed by him as Under-Sheriff. For alſo this *Raynald* was one of his Tenants and a great one. However, it is plain by that tranſcribed out of *Domeſday*, that the Earl himſelf was Sheriff, and thence is that paſſage of his government of the Shire in *Ordericus* to be rightly underſtood; as alſo that of the Earldom of *Cornwal* and ſuch more, unleſs you will take *Principatus* and *Dominatus* to denote only the power which the Earl had over the Tenants of his Land or Earldom there. Neither is that of Earl *Fitz-Osberne*'s Law in *Herefordſhire*, otherwiſe I think to be interpreted than from the conjunction of the dignity of Earl and office of Sheriff (as the uſe of the time was) accidentally in the ſame perſon. And the Law which *Malmesbury* attributes to him, as if he had made it by his own authority, was, (I rather think) procured by him to be eſtabliſhed in that County. And ſo it might in a vulgar expreſſion be called his Law, ſcarce otherwiſe than at this day thoſe known Acts of the tenth of *Henry* the ſeventh in *Ireland* are ſtiled *Poynings* Acts; becauſe Sir *Edward Poynings*, was then Deputy of *Ireland* when it paſſed in the Parlament there. And there was reaſon enough for one that ſo much loved his Soldiers that he had with him, as Sheriff, for the defence of the Marches, to procure this Law, or at leaſt ſome remiſſion of that which was the Cuſtom of *Hereford* before he was Earl of it. For upon every breach of the King's peace there, the fine before was no leſs than five pounds whoſoever were the offendour; as it appears expreſly in *Domeſday*, where the old cuſtoms that were there at the coming of the *Normans* are inſerted. And that of *Adminiſtratio Comitatus*, in *Hoveden*, and elſewhere is to be engliſhed *the Government* or *poſſeſſion of the Earldom*, not *of the County* or Shire, ſaving perhaps in caſes of Earl Palatin, where the denominating Counties or Shires were ſcarce at all different from their Earldoms. But thereof more in the next Paragraph. And to conclude this point, it will be plain by the Laws and Rolls of thoſe antient times, that the Sheriffs of the Counties had the government and cuſtody of them, and not the Earls (unleſs they were Palatin) otherwiſe than in caſes where they had the Sheriffwicks joyned with their dignities.

XIII. The chief *Ornaments of Inveſtiture*, uſed at the Creation of thoſe Earls, or the honorary Ornaments mentioned in their Patents as belonging to them and as if they had been uſed at the Inveſtiture (for the ſolemnities of Creation, in the later times eſpecially, are often omitted; and the Patent only delivered or ſent to them ſupplies the Inveſtiture) may be collected from what is before cited out of the forms of Patents of ſeveral ages. The girding of a *Sword*, the *Cap* of *Honour* and the *Crownet* (by the name of *Circulus aureus*) have been mentioned as ornaments of Inveſtiture in the Patents ever ſince the time of *Edward* the ſixth, and are to this day put on (when it pleaſes

the

England. the King to add the ſolemnities of Creation) beſides the Robes which are by others fully enough deſcribed. But from the time of King *John* till *Edward* the ſixth, the Inveſtiture is (for ought I have obſerved) mentioned in the Charters to be *per cincturam Gladii* only. But in ſome few examples (as is already noted) the Ornaments of Inveſtiture are not at all mentioned. And remember here that which is before cited out of *Bracton* touching the name of *Comites*. But alſo in other Teſtimonies that are of credit enough, both the girding of the *Sword* is found (though not expreſſed in Charters of Creation) antienter than the time of King *John*, and the *Crownet* alſo as an honorary ornament of an Earl appears to have been in uſe long before the age of *Edward* the ſixth. And for the *Cap*; I think there is no doubt, but that it always accompanied the Crownet. And therefore of the *Sword* and *Crownet* only, now more particularly. The firſt mention of the Inveſtiture of an Earl by girding him with a Sword, is in that of *Richard* the firſt his creating *Hugh de Puſaz* Biſhop of *Durham*, Earl of *Northumberland*. [t] *Roger* of *Wendover* and *Matthew Paris* remember it. *A Rege gladio Comitatus accinctus* (ſay they both) *nomen ſibi Comitis uſurpavit. Quo Gladio accincto, Rex cum cachinno aſtantibus dixit; Juvenem feci Comitem de Epiſcopo veterano.* But although we find no antienter memory of the girding with the Sword, yet it is, we ſee there ſpoken of as a cuſtom of that age formerly enough known; and not uſed as a new rite of Inveſtiture. But neither was it uſed only at the Inveſtitures of Creation (as at this day) but at thoſe alſo which were only as liveries or confirmations of Earldoms made to heires. Thence is it that *Hoveden* hath the phraſe of *Accingere Gladio Comitatus patris ſui*, ſpeaking of *Richard* [u] the firſt's confirming of *Robert* of *Bretvil*, ſon and heir of *Robert* Earl of *Leyceſter*, in that Earldom. The form alſo of that of King *John* before inſerted, to *William* Earl of *Darby*, ſhews it. And for the uſe of it, as a confirmation only after or upon livery, we add this ſingular example of the ſame time of the two Earls, *William* Earl of *Strigoil* or *Pembroke*, and *Geoffery* Earl of *Eſſex*. *Pembroke* indeed was then I think a County Palatin. But I have not obſerved any difference between the Inveſtitures or ornaments of Earls Palatin and others with us, ſaving in the Earls of *Cheſter* ſince their Inveſtiture hath been confounded with that of the Principality of *Wales* which is joyned uſually with it in the Creation as is before ſhewed. But *die Coronationis ſuæ* (ſaith *Hoveden*) Johannes *Rex accinxit* Willielmum Mariſcallum *Gladio Comitatus de* Striguil & Galfredum *filium* Petri *Gladio Comitatus de* Eſſex; *qui licet antea vocati eſſent Comites & adminiſtrationem ſuorum Comitatuum habuiſſent, tamen non erant* accincti Gladio Comitatus. *Et ipſi illa die ſervierunt ad menſam Regis accincti gladiis.* This relation can mean only that confirmations were made to them after or upon their liveries, by his girding them with ſwords; not that they were newly created, as ſome miſtake it. The Author ſayes they were both before called Earles, and had Adminiſtration of their Earldoms, which I underſtand to be poſſeſſion given them by livery or *ouſtre le maine*. But the Ceremonie of Inveſtiture, uſed as well to heirs in thoſe times as to ſuch as were firſt created, had not till then confirmed them. For it is plain that this *William* Earl of *Pembroke* became to be Earl in right of his wife *Iſabel* (as the Law in thoſe times was in Fee ſimple Earldoms) Daughter and heir to *Richard Strongbow*, the next Earl before him, whence this Title and Adminiſtration

§. 7.

t *Ms. & Matth. Paris ſub initium* Rich. 1.

u 2 R. 1. *pag.* 687. *Ed. Fr.*

on was in him before King *John*'s Coronation or his girding him with the Sword. And for that other of *Essex*; He was also Earl in right of his wife *Beatrix* heir to *William* of *Mandevil* that died Earl of *Essex*, without issue in the beginning of *Richard* the first; that is, Daughter and heir to *William de Say*, son and heir of *Beatrix*, Daughter to *William* Father to *Geffery* the first Earl of *Essex*, Father to that *William* whom this *Geoffery Fitz-Peter* succeeded. I know this *Beatrix* is usually taken to be the eldest [x] Daughter of *William de Say*, as if she had a Coheir. I dispute not that point here. But note here, that *William* of *Mandevil* dying in *November*, in the first of *Richard* the first (as we see in *Hoveden* and others) who began his Raign in the sixth of *July*, in *January* the second year of the same King this *Gefferey Fitz-Peter* (who was a great Lawyer, and afterward Chief Justice of *England*) together with this *Beatrix* his wife only had livery or *ouster le maine* by the name of *Justus & propinquior hæres*, of Earl *William*, of all Earl *William*'s Land; which I take also to have been the very livery of the Earldom that consisted of such possessions in those times. For *concessisse & confirmasse*, which we find in it, were frequently used in liveries or the like in that age. The whole form of it, as it remains to this day exemplified, about seven years after, [y] by the same King, under his new Seal, is worthy of observation.

England:

x Præter minorum gentium scriptores de re genealogica, videsis *Camden. Britt. pag.* 327.

y *Videsis Rog. de Hoveden. pag.* 446. *Ed. London.*

RIchardus *Dei gratia Rex* Angliæ, Dux Normanniæ, Aquitaniæ, *Comes* Andegaviæ. *Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, & omnibus Ballivis & fidelibus suis ad quos præsens Charta pervenerit, Salutem. Sciatis nos concessisse & præsenti Charta nostra confirmasse Dilecto & fideli nostro* Gaufrido filio Petri & Beatriciæ *de* Sayeo *uxori ejus, tanquam justo & propinquiori hæredi, totam terram Comitis* Willielmi de Mandevile *quæ ei, jure hæreditario, pertinebat, cum omnibus pertinentiis et libertatibus et liberis consuetudinibus, suis. Quare volumus et firmiter præcipimus quod prædicti* Gaufridus *et* Beatrix *uxor sua, et hæredes eorum habeant, et teneant de nobis et hæredibus nostris totam prædictam terram cum pertinentiis suis sicut prædictus Comes* Willielmus de Mandevile *eam meliùs et liberiùs et honorificentiùs et integriùs et quietiùs habuit unquam et possedit in bosco et plano, viis, semitis, pratis, pascuis, pasturis, aquis, vivariis, stagnis, piscariis, molendinis, turbariis, in advocationibus Ecclesiarum, in custodiis valectorum, et donationibus puellarum, et in omnibus aliis locis et aliis rebus. Hiis testibus* Waltero Rothomagensi *Archiepiscopo*, J. Ebroicense *Episcopo*, Rogero de Patellis *Dapifero nostro*, Richardo *de* Kanvile, Bertrano *de* Verduno, Radulfo *filio* Godefredi *Camerario nostro. Datum per manum Magistri* R. mali catuli *clerici nostri anno regni nostri secundo*, XXIII *die* Januarii *apud* Messanam. *Is erat tenor Chartæ nostræ*

England. *noſtræ in primo ſigillo noſtro. Quod quia fuit aliquando in* Alemannia *in aliena poteſtate conſtitutum, mutatum eſt. Innovationis autem hujus, Teſtes ſunt iſti, S.* Baton, *&* G. Ebrocienſis *Epiſcopi, Magiſter* Rogerus Richmond, *Magiſter* Maugerus Ebroicenſis, Simon Wellenſis *Archidiaconi*, Comes Moretoniæ *frater noſter*, Willielmus Mariſcallus, Hugo Bardulfe, *Comes de* Arundel, Willielmus *filius* Radulphi *Seneſcallus* Normanniæ, Johannes *de* Pratellis, Petrus *de* Pratellis, Robertus *de* Harewcurt, Robertus *de* Treſgoz, Baldewinus *Capellanus. Datum per manum* E. Elienſis *Epiſcopi Cancellarii noſtri apud Bellum Caſtrum* de Rupe Andel, XV *die* Junii *Anno Regni noſtri nono.*

In that Patent of the ſecond year perhaps *pertinentiæ*, *libertates*, and *conſuetudines* comprehended alſo the third penny of the County. For preſently after it, this Earl *Geffery* had the third penny of the half year that followed. Otto *filius* Willielmi *Vicecomes reddit compotum, &c.* ——Galfrido *filio* Petri XX *lib. &* V *ſolidos &* V *denarios in tertio denario Comitatus de* Eſſex, *de dimidio Anno*, ſaith the Pipe Roll of that year. And afterward during *Richard* the firſt's time, the whole, that is XL pounds ten ſhillings and ten pence, was paid him yearly for his third penny, as alſo in the firſt of King *John*, as appears in the Pipe; whence it is moſt plain that King *John*, Girding him with the Sword, did not newly create him an Earl. And of the Girding with a Sword, uſed at the Inveſtiture of Earls thus much.

XIV. Their Crownet or *Circulus aureus* (as it is at this day called in the Charters of *Creation*; and the *Cap of Honor*, I cannot doubt but was alwaies in uſe with the Crownet) is alſo much more antient, as their honorary ornament, than the expreſs memory of it is in the clauſe of Inveſtiture of their Charters. For that exceeds not the time of *Edward* VI. But *John* of *Eltham* brother to King *Edward* the third, Earl of *Cornwall*, lies buried in Saint *Edmund's* Chappel at *Weſtminſter*, with a Crownet on his head, the form whereof indeed is Fleury, or, as at this day, a Duke's is with us. But he died almoſt two years before any Duke was made in *England*; whence we may perhaps collect alſo that the Crownets, at leaſt of ſome Earls, before the Creation of Dukes, were of like form to thoſe of [z] Dukes. And in the later ages an Earl's is pointed and pearled on the top of the points, as we ſee it at this day. But alſo long before the death of this Earl of *Cornwall* we have clear teſtimony of an Earl's Crownet. *Aymer de Valence*, that died Earl of *Pembroke* in the XVI year of *Edward* the II, had one, as appears by this inſtrument of *William* of *Lavenham* treaſurer to him, by which he acknowledges the receit of it from Sir *Henry Stachedene* in MCCCXIX or the XII of *Edward* the ſecond.

z. *Videſis Camd. Apolog. ſub nexam editioni penultimæ Brit. in 4. pag. 13.*

PAteat *univerſis quod ego* Willielmus de Lavenham *Theſaurarius Nobilis viri Domini* Adomari de Valentia *Comitis* Pembroc, *recepi in cuſtodia de Domino* Henrico *de* Stachedene

Stachedene *unam Coronam auream dicti Comitis, in quodam coffino ſigillato ſigillis Domini* Walteri Alexandri *& dicti Domini* Henrici *in præſentia Magiſtri* Johannis de Wytecherche *&* Johannis Bunting. *In cujus rei teſtimonium huic ſcripto ſigillum meum appoſui. Datum* Londoniæ *die Dominica poſt feſtum decollationis Sancti* Johannis, *Anno Domini* MCCCXIX. England.

And that of *Richard* Earl of *Arundel* under *Edward* the third, is moſt obſervable to this purpoſe. He had three Crownets of ſeveral ſorts and worth. And by his laſt will[a] dated at *Arundel* Caſtle the fifth of *December* in MCCCLXXV or the XLIX of *Edward* the third, gave his beſt Crownet to the Lord *Richard* his ſon and heir (afterward Earl of *Arundel*) to remain for ever to the heirs of his dignity, as for a remembrance of him; his ſecond Crownet he gave to the Lady *Joan* his daughter, to remain to her and the heirs of her body; his third to his daughter the Lady *Alice* in like manner. The words are, *Item jeo done & deviſe a* Richard *mon Fitz ma* meliure Coronne, *luy chargeant ſur ma beniſon qu'il ne la ouſte de ly durant ſa vie, & apres ſon deceſſe il la leſſa a ſon heire per meiſme la maineire a demorer perpetualement de heir en heir Seigneurs de* Arundel, *a remembrance de moy & de ma alme. Item jeo done & deviſe a* Johanne *ma fille, ma* ſecond meliure Coronne, *la chargeant, ſur ma beniſon, qu'ele ne la ouſte de luy durant ſa vie & que apres ſon deceſſe elle la leſſe al heires nees de ſon corps a demorer de heir en heir de ceux que viendront de cle a touts jours en remembrance de moy & de ma alme.* And a little after, *Item jeo donne & deviſe a* Aleiſe *ma fille ma tierce Coronne en la forme ſuisdite.* But ſee alſo for this matter of Earls Crownets, *Holinſhed* in *Henry* VIII, *pag.* 933. and the Charter of Creation of *Henry* Earl of *Warwick*, under *Henry* VI, into the title of *Primus Comes Regni* Angliæ *in Rot. Cart.* 22 *Hen.* 6. *membrana* 23. We adde here the form of an Earl created with Ceremony in his Robes and Crownet, and ſo come to the Title of Earl that is Perſonal.

[a] *Ex Regiſtro* Simonis de Sudbury, *Arch. Cant. in Archivo Archiepiſcopatus pag.* 93.

England.

XV. The title of *Earl* that is *Perſonal*, and not Local, is now, and for divers ages together hath been only that of *Earl Marſhal of England.* A Title of Juriſdiction as well as of Honor. But the Juriſdiction we wholly omit here. The firſt that we find honoured by Charter with this Title (that is with the Office of Marſhal, having the title of Earl prefixed to it) was *Thomas* of *Mowbray* Earl of *Nottingham*, whom *Richard* the II firſt made Marſhal of *England* for life, and then created him Earl *Marſhal*, to him and his heirs males of his body begotten. The form of the Patent was thus.

Richardus

RIchardus, *&c. Sciatis quod*[h] *cum nos nuper de gratia nostra speciali concesserimus dilecto Consanguineo nostro* Thomæ *Comiti* Nottingham, *officium* Mareſcalli Angliæ *habendum ad totam vitam suam, Nos jam de ulteriori gratia nostra concessimus præfato Consanguineo nostro officium prædictum una cum nomine & honore* Comitis Mareſcalli, *habendum, sibi & hæredibus suis masculis de corpore suo exeuntibus cum omnimodis feodis, proficuis, & pertinentiis quibuscunque dicto officio qualitercunque spectantibus imperpetuum. His testibus venerabilibus patribus* W. *Archiepiscopo* Cantuarienſi *totius* Angliæ *primate*, R. London. W. Winton. *Episcopis*, Johanne *Rege* Caſtellæ & Legionis, *Duce* Lancaſtriæ, Edmundo Eborum, Thomæ Gloceſtriæ *Ducibus Avunculis nostris charissimis*, Richardo Arundel, Hugone Stafford, Michaele de la Pole, *Cancellario nostro Comitibus*, Hugone de Segrave *Thesaurario nostro*, Johanne de Monteacuto *Seneſcallo hospitii nostri & aliis. Datum per manum nostram apud* Weſtmonaſterium XII *die* Januarii.

England

h Cart. 9. Rich. 2. num. 17.

Per literam ipſius Regis

de ſigneto.

A- I afterward the ſame King in Parlament reciting this grant, gives and[c] confirms to him *officium ac nomen titulum & honorem* Comitis Mareſcalli Angliæ *habendum sibi & hæredibus masculis de corpore suo exeuntibus*, as fully and freely as *Thomas* of *Brotherton* then late Earl of *Norfolk*, and *Marshal of England*, Father of the Lady *Margaret* Counteſs of *Norfolk* his Grandmother, or *Roger* of *Bigot* Earl of *Norfolk*, and *Marshal of England*, or any other ſince thoſe Earls, or as he himſelf had held *dictum officium Mareſcalli*; and grants alſo that the office of Marſhal in the Common Pleas and Exchequer, and the office of Cryer in the Court of the Steward and Marſhal of the houſhold, ſhould after the death of them that then held theſe offices, remain to him with like limitation of eſtate; and that he and his heirs according to the limitation might grant them at their pleaſure. *Et quod eadem officia, & omnia alia officia in quibuscunque Curiis nostris & alibi quæ ad dictum* officium Mareſcalli Angliæ *retroactis temporibus pertinuerunt & pertinere consueverunt, ad dictum* Officium Mareſcalli Angliæ *integre rejungantur, annexantur, & uniantur imperpetuum.* And he further by that Patent granted, *ut ipse officiū prædictū decentius & honorificentius de cætero facere valeat et exercere*, that he and his heirs, according to the limitation, might bear a Staffe of Gold enamel'd black at both ends, with the Kings Arms on the upper end, & his own on the lower; *Quod ipse et dicti hæredes sui masculi* (as the words are) *Mareſcalli Angliæ, ratione officii sui prædicti habeant, gerant, & defendant tam in præsentia nostra et hæredū nostrorum quam in absentia nostra et hæredū nostrorū quendā baculū aureū circa utrunque finem de nigro amelatum et cum signo armorum nostrorum in*

c Car 20. Rich. 2. m. 1. n 3.

superiori

England. *ſuperiori ſine dicti baculi, et cum ſigno armorum ipſius Comitis in inferiore ſine ejuſdem baculi ornatum, Non obſtante quod idem nunc Comes tempore ſuo, ſeu præfati nuper Comites aut aliquis alius qui dictum* officium Mareſcalli Angliæ *ante hæc tempora habuerunt, baculum ligneum portare ſeu deferre conſueverunt.* By reaſon of the Judgment given againſt this Earl (when he was Duke of *Norfolk* alſo) not long before the end of *Richard* II, this honor and office were forfeited during his life. And the office was during the ſame time committed [d] to others. He died in the beginning of *Henry* the fourth. His poſterity afterward by reaſon of that Creation received from King *Richard*, had the [e] honor and office till the fifteenth of *Edward* the fourth, when the Iſſues males failed, and ſo the honor ended. But *Richard* III revived it in *John* Lord *Howard*, whom he made alſo Duke of *Norfolk*. This Lord *Howard* was ſon to Sir *Robert Howard*, and the Lady *Margaret* his wife, one of the Coheirs to *Thomas Mowbra* that was firſt created Earl Marſhal. The Patent of *Richard* the third [f] is of the ſame kind with the latter, of the XX of *Richard* the ſecond, which was made to that firſt created Earl. And the limitation of eſtate is alike alſo. But by reaſon of an attainder by Parliament in the beginning of *Henry* the ſeventh, the honor and office was forfeited and granted [g] in tail to *William* Earl of *Nottingham* afterward Marqueſs *Barkley*. But he within few years died without Iſſue: *Henry* VIII gave the ſame honor for life to *Thomas* Earl of *Surrey* [h] afterward Duke of *Norfolk*, and after the death of this Duke, he gave it to his ſon *Thomas* Duke of [i] *Norfolk*, and the heirs males of his body begotten, which eſtate continued (the interruption during the time of *Edward* the ſixt [k] being excepted) until the fourteenth of Queen *Elizabeth*. Since that, the eſtate of this Honor and Office hath been only for life. Saving that, at the Coronation of King *James*, the Earl of *Worceſter* had it only for the preſent ſervice, as alſo that for ſometimes the office hath been exerciſed by commiſſion to divers Lords at pleaſure, while no Earl Marſhal was created. By the Patents, that in this age give this dignity, the King grants *Officium* Comitis Mareſcalli Angliæ, *ac ipſum* (ſaith [l] the King in the firſt perſon) Comitem Mariſcallum Angliæ, *creamus, ordinamus, & conſtituimus per præſentes & ei nomen ſtilum, authoritatem, dignitatem & honorem,* Comitis Mariſcalli Angliæ *una cum omnibus & ſingulis ſuis officiis, commoditatibus, emolumentis, præheminentiis, nominationibus & aliis ſuis pertinentiis quibuſcunque tam in Curiis noſtris, quam alibi eidem Officio* Comitis Mariſcalli Angliæ *qualitercunque ſpectantibus, ſive de jure ab antiquo pertinentibus, per præſentes damus & concedimus; ac in eodem officio & cæteris eidem officio, ut præmittitur, pertinentibus ipſum* N. *Inveſtimus, ſtabilimus, & corroboramus in tam amplis modo, Poteſtate, Juriſdictione, & Antoritate,* as the antient Earls Marſhals of *England* had it. And ſome of them are enumerated in the Patents. Then the *Habendum* and *Exercendum* (after the limitation of the eſtate) is *per ſe vel ſufficientem deputatum ſuum aut per ſufficientes deputatos ſuos, abſque compoto vel aliquo alio, &c.* And the clauſe, for bearing the Staffe of Gold, is alſo added in the ſame words that are in that of the XX of *Richard* the ſecond to the Earl of *Nottingham*. An annual Rent of twenty pounds is alſo added to be taken out of the profits of the Hannaper, or otherwiſe at the King's pleaſure. No other clauſes are in it. And this form hath, for the moſt part, continued ever ſince about the beginning of *Henry* VIII,

[d] *Pat.* 22 *Rich. part.* 1 *m.* 12. *Pat.* 1 *Hen.* 4. *part.* 1. *& part.* 3 *m.* 6.

[e] *Videſis Rot. Parl.* 3 *Hen.* 6. *membr.* 18.

[f] *Pat.* 1 *Rich.* 3. *part.* 1. *memb.* 18.

[g] *Pat.* 1 *Hen.* 7. *part.* 3.

[h] *Pat.* 2 *Hen.* 8. *part.* 2.

[i] *Pat.* 25 *Hen.* 8. *part.* 2.

[k] *Videſis Rot. Parl.* 1 *Mariæ num.* 34.

[l] *Videſis Pat.* 19 *Jacobi part* 13. *num.* 5. *Comitt Arundel.*

VIII, when *Thomas* Earl of *Surrey* was [m] created Earl Marſhal for life by it. For before that, the Patents had uſually thoſe other particulars expreſſed, that are in that to the Earl of *Nottingham* in the XX of *Richard* the ſecond. *England.*

m *Pat.2 Her. 8.part 2.*

But although the firſt Creation of the expreſs Title of *Earl Marſhal*, were under *Richard* the ſecond, and, before that Creation, the office and dignity were uſually called in the Patents that granted it, only *Mariſcalcia* or *officium Mariſcalciæ* [n] *Angliæ* or the like, and the Marſhal himſelf *Mariſcallus* without *Comes*; yet, long before that Creation, the Title of *Earl Marſhal*, or *Comes Mariſcallus* occurrs frequently. And that it was of known uſe alſo, appears by the Title of *Counteſs Marſhal* attributed to the Lady *Margaret* (daughter to *Thomas* of *Brotherton* Marſhal of *England*) in the Parlament [o] Roll of the firſt of the ſame King. But under *Henry* the third, *Comes Mariſcallus* is very obvious, as we ſee eſpecially in *Roger* of *Wendover* and *Matthew Paris*, two Writers that lived and died under *Henry* the third; as *Richardus* [p] *Comes Mariſcallus* is reckoned in them among other Earls; and *Richardus Comes Mariſcallus cum ceteris venire proponens*, we read in them, and *Petrus Wintonienſis qui vires Comitis Mariſcalli infirmare conabatur*; and *poſt hunc conflictum Comes Mariſcallus cum Gilberto Baſſet*; and *venit ad Regem Gilbertus frater Richardi Comitis Mareſcalli*; and very many ſuch like paſſages are in both thoſe Writers that were publick Hiſtoriographers of the time. This *Wendover* wrote all or the moſt part that is in the publiſhed *Matthew Paris* until the nineteenth of *Henry* the third. And he is the ſame that by ſome is miſcalled *Rogerus* [q] *Windore*, and by others *Rogerus de* [r] *Windeſhora*. *Comes Mariſcallus* occurrs alſo in a judgement of the time of *Henry* the third before [s] cited, and otherwiſe [t] in the Rolls of that King, and in [u] *Bracton*, as alſo in pleas of [x] Parlament both of *Edward* the firſt's, and *Edward* the ſecond's time; whence their error is made plain that ſay the ſtile of Marſhal or Lord Marſhal only (not Earl Marſhal) was in the ages that preceded King *Richard* the ſecond. *Comes Mariſcallus* we have alſo in the [y] beginning of *Henry* the third, in the Rolls, and frequently afterward during his time and the next ſucceeding Kings. And expreſly *le Count Marſhal*, in the beginning of *Edward* the third in the Printed year books of [z] our Law. And I doubt not but the title of *Comes* was added to *Mariſcallus* ſoon after that office came to the Earls of *Pembroke* (about the beginning [a] of King *John*) in whom it continued till it was thence by a daughter transferred to the *Bigots*, [b] Earls of *Norfolk*, under *Henry* the third, from whom it came to the Crown about [c] the end of *Edward* the firſt. But to thoſe teſtimonies may be added alſo that of the Treatiſe called *modus tenendi Parliamentum*. *Comes Seneſcallus, Comes Conſtabularius, & Comes Mariſcallus vel duo eorum* (ſaith that treatiſe) *eligent* XXV *perſonas &c.* Of the authority of that Treatiſe more anon where we ſpeak of Barons. But we ſee alſo here, the *Lord Steward*, and the *Lord Conſtable* titled Earls. It is true that both the Stewardſhip of *England* and Conſtableſhip were antiently hereditary in Earls. The Stewardſhip in thoſe of *Leiceſter*, the Conſtableſhip in thoſe of *Hereford*. Whence it might be that *Comes* is, in that Treatiſe, ſo prefixed to the *Steward* and *Conſtable* as well as to the *Marſhal*.

But alſo obſerve that in the more antient times, ſome of the moſt eminent Officers being local Earls, were yet ſometimes ſtiled *Comites*, or

n *Videſis Pat. 1 Ed.2.part.2. membr. 19.& 22. & Cart.9 Ed.2.num. 32.*

o *Rot. Parl.1 Rich.2.m.4.n. 30.*

p *Matth.Paris pag.510,517, 518,523.541. &c.eadem ipſa apud* Roger de Windover *Ms.habentur.*

q *Bal.cent.12. ſcript.57.*

r *Pitſ. Ætat. 13.ſcript.332.*

s *§ 8. Hujus Capitis.*

t *Placit. 18 H. 3.Rot.15. in arce London.*

u *Bract.lib.2. cap.39.b.&c.*

x *Cod.Parl.19 Ed.1.fol.25.b. 21 Ed.1.fol.43 b.14 Ed.2.fol. 78.in Arce London. vide item Thom.Walſingham in Ed 1. pag.100. Edit. Francof.*

y *Pat.1 Hen.3. membr.14,& 16.*

z *1 Ed.3.fol.16. a.& 2 Ed.3. fol.12.b.*

a *Videſis Rot. Cart.1 Johan. R.num.85.part 2.& conſulas Cart.7 Johan. numb.37.*

b *Vide Matth. Paris pag 957. Edit. Lond.*

c *Videſis Camd. in Comitibus Norf.& Rot. Parl.3 H.6. art.1.ubi magna illa inter Comites Mareſcall. & Warwicenſem controverſia de locorum prærogativa:*

England. or *Conſules Palatini* with Relation to the Court only, as if that perſonal title had ſufficiently deſigned them by joyning the title of *Comites* to a word that generally expreſſed their perſonal Office. For Palatin was in this ſence uſed alſo in *England*, and not only attributed to the *Local Earls Palatin*, of whom enough is before ſaid. The Origination of this perſonal Title of *Palatin* (as it generally denoted Officers of the Court) is before ſhewed in the Empire. But for examples of it in *England*, *Odo* Biſhop of *Baieux* and Earl of *Kent* under *William* the firſt, is called *Conſul Palatinus*, in *Ordericus vitalis* an Engliſhman that wrote under King *Stephen*. *Quid loquar* (ſaith [d] he) *de Odone Baiocaſino præſule qui* Conſul Palatinus *erat & ubique cunctis Angliæ habitatoribus formidabilis erat ac velut ſecundus Rex paſſim jura dabat?* This title of *Conſul Palatinus* was given him not as he was Earl of *Kent* or a Local Earl (for his Earldom was not *Palatin*) but as he had a perſonal office in the Court under the King or a general power of Lieutenancy created in the Court but extended through the Kingdom. For he was *totius Angliæ Vicedominus ſub Rege*, as *William* of *Malmesbury* ſaies of him, and *Princeps Palatii* as *Ingulphus* ſtiles him, or *Curæ Palatinæ regnique negotiis ſpecialis præpoſitus*, as the author of *Geſta Regis Stephani* ſpeaks of *Roger* Biſhop of *Salisbury*. And, in this ſence it ſeems *Joannes Sarisburienſis* in one place calls all great officers of the Engliſh Court, *Comites Palatini*. At leaſt ſuch Officers as being Earls, were alſo honoured with the greater Court dignities. *Sicut alii præſules in partem ſolicitudinis*, (ſo ſaies this *Sarisburienſis* in letters [e] to one *Nicholas* Sheriff of *Eſſex*) *à ſummo Pontifice evocantur, ut ſpiritualem exerceant gladium ſic à Principe in enſis materialis communionem* Comites *quidam quaſi mundani juris Præſules aſciſcuntur. Et quidem qui hoc Officium gerunt in* Palatio *juris authoritate*, Palatini *ſunt. Qui in Provinciis*, Provinciales. *Utrique vero gladium portant, non utique quo carnificinas expleant veterum Tyrannorum, ſed ut divinæ pareant legi, & ad normam ejus utilitati publicæ ſerviant, ad vindictam malefactorum, laudem verò bonorum. Tu ergo qui* Provincialum Vices *agis, prout loci & nominis index eſt Titulus, utinam ſic exequaris quod exegit Princeps ne offendatur is qui aufert ſpiritum Principum.* But whereas he here tells this Sheriff, that he did *Provincialum vices agere*; it is but his playing with the word *Vicecomes*. For there was no ſubordination between Earls and Sheriffs ſave only in the *Comites Palatini*. And whiles this *Nicholas* (who as I think is called *Nicolaus Clericus* and *Nicolaus Decanus* in the Pipe Rolls of *Henry* the ſecond) was Sheriff of *Eſſex* and *Hartford* alſo (for ſo he was) both thoſe Counties had their Earls, and he [f] immediately accompted to the King for the profits of the Counties, and amongſt them, for the third penny payable to both thoſe Earls. But he had no ſuch relation to them as *Vices agere* in that Epiſtle ſeems to ſignifie. That kind of *Perſonal Count Palatin*, which is ſo frequent in the Empire or Popedome, hath never been at all in uſe here for ought I could ever obſerve, although it be true that in the Taxes of Cardinal *Wolſey*'s Diſpenſations, while he was Archbiſhop of *York*, and Legate *à Latere* here from the Pope, the fees of paſſing ſuch a dignity be, among others, thus remembred.

d *Hiſt. Eccleſ. lib. 3. pag. 522. D.*

e *Epiſt. 263.*

f *Rot Magn. 11, & 15 Hen. 2. in Eſſex & Hertford.*

Taxæ Diſpenſationum Domini Cardinalis Eboracenſis:

Capellanus Honoris, XX li.

Prothonotariatus,

Frothonotariatus, XX li.
Creare Milites ſolo Domino reſervatur.
Doctoratus, XL s.
Baccalauriatus, XX s.
Comitis Palatini *creatio*, IV li.
Notariatus, X s.

England.

And ſo the ſeveral fees for Pluralities, Trialities, Quadralities and the reſt of Diſpenſations to be given by one of his Authority, with their fees follow in my Copy, that is of the ſame time with the Cardinal. But, I conceive, this of Count Palatin, was, as ſome more there inſerted, from the formal Faculty or Commiſſion of Legatine power given [e] him by the Pope, but not any ſuch thing as juſtifies any practice or right of creating any ſuch dignity in *England*, at leaſt not any ſuch dignity of that name as would have been here at all eſtimable. And of the title of Earl after the *Normans* to this day, thus much.

e *Videſis* AndreamGambarum *de Officio & Poteſtate Legati à Latere lib.*7. § 6.

XVI. The next Title here (as the propoſed method directs) is that of *Barons*. And firſt of the Name *Baron*, and the various *Uſe* of it: and then of the *Creation* and *Nature* of them from the *Normans* to this day. The name ſucceeded, after the *Normans*, into the room of Cyninger Dane ða him nihſt ſyndon, *A Kings Thane that was next him*; among the *Saxons*, however, in the beginning of the *Norman* ſtate, that of *Thane* was often alſo retained. Nor is it likely that the uſe of language could have been ſo ſuddenly altered that the Title of Baron only ſhould have preſently expreſſed it. Thence is it that in [f] *Domeſday*, and the Laws attributed to [g] *Henry* the firſt, *Thanus* is ſo uſed. And the title of *Miniſtri* which expreſſed *Thanes* in the *Saxon* times, was after the *Normans*, rather uſed only for ſuch as were the Kings Servants diſtinguiſhed from Barons; as it ſeems by a Law of *William* the firſt (concerning excommunication of them) compared with another of that kind of *Henry* the ſecond, of both which Laws, to this purpoſe, enough [h] elſe where. But in the Laws of *William* the firſt inſtead of the *Earl*, The *Kings Thane*, and the *middle Thane* of the *Saxon* times, the Title of *Count* or *Earl*, of *Baron*, and of *Vavaſor*, are uſed. Of a *Count*, or *Earl*, and of a *Vavaſor*, enough already. But of a *Baron*, the words there are; *De* [i] *Relief a Baron*, IV *Chivalz enſeles e enfrenes*, *e* II *Halbers*, *e* II *Haumes*, *&* II *Eſcus*, *e* II *Launces*, *e* II *eſpes*, *e les altres* II, *un chaceur*, *e un Palfrey a frenis e a cheveſtres*. The moſt of it needs no interpreter. But all of it, I muſt confeſs I underſtand not.

f Ms. Hamp-ſhire §. 69. Berkſhire §. 65. Surrey 36. Somerſetſhire §. 46. & vide ante §. 4.

g *In libro* Rub. *Archiv. Scacc. cap.* de Relevationibus.

h *In Notis ad Edmer. pag.* 168. & *ſeq.*

i *Leg. Will.* 1. *cap.* 23. in Notis ad *Edmer.* pag. 180.

And for *Tainlands*, that were honorary poſſeſſions, the word *Baroniæ* was uſed; whence *Comitatus* and *Baronias* (ſaith *Ingulphus* that lived in Court with *William* the firſt) *Normannis ſuis diſtribuit*. Ever ſince the time of this King *William*, as alſo in his time, the Title of *Baron* was uſed very often, though it be but rare in [k] *Domeſday*. But, as moſt other names of Titles, ſo this of *Baron* hath had and ſtill hath various Notions. Oftentimes it hath, from the firſt uſe of it, denoted all kind of Lords of Parlament, [l] as well Earls as others, and the word *Baronage*, as a collective, hath in like ſence comprehended them. As alſo ſometimes *Barony*, as in that of *Gower* in his *Confeſſio amantis*.

k Ms. *in* Dorſet. *& vide-ſis not. ad Edmer. pag.* 169.

l *Math. Paris pag.* 396. *Ed. Lond. & alibi ſæpius. Item Bracton. fol.* 417. *a.*

The privilege of Regalie
Was ſafe, and all the Baronie
Worſhipt was in his eſtate.

England. And *Baroniæ Capitales*, or *Baroniæ* absolutely so signified also honorary possessions as well of Earls as Barons. Our stories and records have examples enough of this notion. Oftimes also it hath been given to such as were great Tenants to the greater sort of subjects, as to those of the Archbishop of [m] *Canterbury*, and of some great Earls of the antienter times, especially of those of *Chester*. Testimonies of that use of it are [n] common enough. *Baro* in that notion is used in *Thomas* of *Walsingham* where he saies; [o] *Decollati sunt apud* Salopiam *Comes Wigorniæ* Baro *de* Kinderton *& Dominus Richardus de Vernona*. And that name remains, to this day in his posterity. And I have seen an Original Charter of *Randol* Earl of *Chester* under King *Stephen*, by which he gives to *Eustace Fitz John, totum honorem qui fuit* Willielmi *filii* Nigelli *Constabularii* Cestriæ *in rebus & dignitatibus omnibus*, and makes him *hæreditariè Constabularium & Supremum Consiliarium pro me* (as his words are in the first person) *super omnes Optimates & Barones totius terræ meæ. Barones Walenses* also, for Barons, under the Princes of *Wales*, occurr in the Rolls [p] of *Edward* the first. And of them somewhat is before said, where we speak of the Prince of *Wales*. The word *Baro* hath been also so much communicated, that not only all Lords of Mannors have been from antient time, and are at this day called sometimes Barons (as in the stile of their Court Barons, which is *Curia Baronis*, *&c.* And I have read [q] *hors de son Barony* in a barr to an Avowry for *hors de son fee*) But also the Judges of the Exchequer have it from antient time fixed on them. And the Burgesses of some other good Towns [r] as well as those of the Cinque Ports, have been antiently also stiled by it. But perhaps the Barons of the Exchequer were therefore in former ages called so, because they were antiently made of such as were Barons of the Kingdom, or Parlamentary Barons. If otherwise why were they stiled *Pares* or *Peeres* to Parlamentary Barons in *Bracton*? *Comites* (saith he) *vel Barones non sunt amerciandi nisi per Pares suos & secundum modum delicti & hoc per Barones de Scaccario vel coram ipso Rege*. For the honorary title of *Barones & Pares Baronum* are equally both Parlamentary, and may signifie the whole Baronage. Sometimes also *Baro* denotes only a temporal Baron, as is anon [t] shewed. But the most known use of the word is in the honorary Title of Parlamentary Barons or *Barones Regni* as it is distinct from that of Earls, and was the next Parlamentary dignity beneath it, until the time wherein our Viscounts were first made; of whom in due place. And since the making of Viscounts, it hath been the next beneath them. And this distinct sence of it also hath been in use from the coming of the *Normans* to this day. We need adde nothing here, for the literal sence of the word, to that which is already said of it in the Empire, and elsewhere, saving that of *Bracton*, speaking of them after Earls; *sunt & alii Potentes* ([u] saith he) *sub Rege qui dicuntur* Barones, *hoc est robur belli*. Yet in this notion it hath been rarely used as any addition to the names of singular persons that are Barons, or as *Comes* is to the names of such as are Earls. But for the most part, we find it only either plurally in a general expression (as when we read *Comites & Barones* alone) or singularly designing the dignity, but not in form of addition, as in *Roger* of *Hoveden* [x] where he saith that King *Stephen* made *William* of *Mandevile Consulem de Barone* (when he created him Earl of *Essex*) or in the Patent that creates a Baron, or in the act of XXI of *Henry* the eighth of pluralities, the Acts of apparrel, and Writs that certifie a man

[m] *Not. ad Edmer. pag. 199.*

[n] *Camb. In Brit. pag. 464. vide lib. Rub. Scacc. Ms. pag. 82 &c. & In Hen. 4. pag 369. Ed. Fr. & vide sis Hen. 4. Rot. Parl. m. 15. n. 74.* Le Baro de Hilton *qui minimè inter Barones Parlamentarios.*

[o] *Hoveden pag. 488. Ed. Fr.*

[p] *Rot. 9 Ed. 1. de Aprisa & Certifi fact. in Wall. in arce* Londin.

[q] *Mich. 5 Ed. 2. Ms. in Biblioth. Int. Temp. fol. 66.*

[r] *Cart. 16. Joh. R. m. 1.* Baronibus Lond. *Item. Pat. 50 H. 3. num. 49. et Math. Paris 1171. & 1322. Ed Lon.* quod sepius etiam in Archivis reperitur quin & *Dors. claus. 17 Joh. R. membr. 7.* Baronibus Gernemuthæ, Gipwici, Norwici, Orwell, Sorham, Portsmouth, Exoniæ, Bosham *&c.*

[s] *Liber 3. de Corona cap. 1. §. 3.*

[t] *§. 18, & 19.*

[u] *Lib. 1. cap. 11.*

[x] *Hoveden pag. 488. Ed. Fr.*

is

is a Baron, and the like. In one of these two forms only it is for the most part, I say, used; although sometimes also it occurrs as an addition no otherwise than as *Comes* doth. In the old Writs of Summons to Parlament, the Barons of *Greystock* and *Stafford* have the addition of Baron often, as *Radulpho Baroni* [y] *de* **Greystock**, *Edwardo Baroni de* **Stafford**. And in an original Charter, of the first year of King *Stephen*, by which he gave *Sutton* to the Church of *Wincheſter* in exchange for *Mordon*, after the subsignings of divers Bishops and Earls, and some others that were great officers, many are thus noted with the addition of *Baron*, which is a rare example. *England.*

y *Et videſis Rot. Parl. 1 Hen. 4. m 15. n. 74.*

Signum *Roberti* de *Ferrar.* ✠ Bar.
Signum *Willielmi Peverel* de *Notingh.* ✠ Bar.
Signum *Gilberti* de *Lacy* ✠ Bar.
Signum *Walteri Eſpec.* ✠ Bar.
Signum *Pag. Fil. Johannis* ✠ Bar.
Signum *Euſtacii Fil. Johannis* ✠ Bar.
Signum *Walteri* de *Saresb.* ✠ Bar.
Signum *Roberti Arundelli* ✠ Bar.
Signum *Gaufredi* de *Magna Villa* ✠ Bar.
Signum *Ham* de *Sancto Claro* ✠ Bar.
Signum *Rog.* de *Valoniis* ✠ Bar.
Signum *Henrici* de *Port* ✠ Bar.
Signum *Walteri filii. Ric* ✠ Bar.
Signum *Walteri* de *Gant* ✠ Bar.
Signum *Walteri* de *Bolebec* ✠ Bar.
Signum *Walteri* de *Percy* ✠ Bar.
Signum *Walchelini Maminot* ✠ Bar.

And sometimes others [z] also are mentioned with like addition. But in the Writs of Summons to Parlament, pleadings, and other legal Instruments, most regularly, the word Baron is wholly omitted, and usually *Chivaler* supplies it, as an addition, in the Parlament Writs to the temporal Barons, and *Dominus*, and sometimes *Dominus Parlamenti*, in pleadings and the like. And the Spiritual Barons are expressed only by their Ecclesiastical Titles.

z *Dorſ. Clauſ. 27 Hen 6. m. 24. Baront de Veſcy.*

XVII. For the *Creation* and *Nature* of *Honorary* or *Parlamentary Barons*, since the *Normans*, we divide the time that intercedes between the beginning of *William* the first and this day, into three parts. That which falls between his coming and the later time of King *John*; that which includes the later time of King *John* and the rest that follows until the middle of *Richard* the second; and that which from thence is extended to this day.

In the first part of these, we shall first open *what it was that made Barons* in those times, as well *spiritual as temporal*; next the special testimonies that shew the *Temporal Barons and Baronies*, of the same times and their Nature. Then the like for the *Spiritual Barons*; and lastly, the chief passages that mention them together, as having place and right in Parlaments or great Councels of the Kingdom, or being summoned to them.

For the first; all Honorary Barons of the time, whereof we now speak, were (for ought appears) Barons only by tenure, and created

England. by the King's gift or Charter of good poſſeſſions (without the title of Earl) whereby he reſerved to himſelf a tenure in chief by Common Knights Service, or by Grand Serjeany, or by both. For tenures by both were ſometimes reſerved. The teſtimonies that prove this we ſhew anon where we ſpeak of this dignity more particularly. And theſe were truly Barons by tenure. Not thoſe that had thirteen Knights fees and a third part, as ſome learned men have miſconceived upon the authority of the *Modus tenendi Parlamentum*; of which opinion, more anon, when we have diſpatched the parts of our preſent diviſion. Theſe poſſeſſions given, were their Baronies or *Baroniæ Capitales*, as the Baronies both of Earls and Barons were ſometimes called. And the Knights Service reſerved was of no certain number of Knights, or men to do Knights ſervice, but according to the pleaſure of the King or to the contract had with him. And by the number of the Knights or Military men expreſſed in the ſervice reſerved, the land given was eſteemed more or fewer Knights Fees; unleſs it had been formerly given with a reſervation of the Service of another number of Knights or Military men. For then ſometimes the number of Knights Fees were accounted in the gift after the former number which the antient reformation had fixed upon the poſſeſſions, notwithſtanding that the number of Knights newly reſerved were different; In ſuch ſort, as when King *John* granted to *Walter Scroop*, *Inſulas de*[a] Aſmundſhey *&* *de* Clere, *pro feodis quinque militum per ſervicium unius militis & medietatis unius Militis pro omni ſervicio*, adding, that if there were more than ſo many Knights Fees, he reſerved the overplus in his own hands, and meant not to paſs it. And ſuch more examples are obvious. Neither did any number of Acres make a Knights Fee, as ſome think. But the original and continuance of the quantity of a Knights Fee, were from theſe kind of gifts and the ſervices to be done upon them. But if grand Serjeanty only were reſerved, then the Barony conſiſted not at all properly of Knights Fees; though in a ſpecial Notion; as Grand Serjeanty is called Knights Service, ſo lands held by it may be called one or more Knights Fees. But otherwiſe (ſaving in this caſe where Grand Serjeanty was alone reſerved) the Baronies, as I conceive, conſiſted of ſuch Knights Fees, as we have yet ſpoken of, but not of any certain number of them. And the chief ſeats of the Barons in any parts of thoſe Fees, were called *Capita*[b] *Baroniarum*. But there were two kinds of Knights Fees, as to this day alſo there are. Thoſe that were held in chief of the King, and thoſe that were held by a mean tenure, called alſo antiently *Vavaſories*. Of the firſt kind only, theſe Baronies (as alſo the Baronies or honors of Earls) were made; and they, by ſub-infeudation for the moſt part, made the ſecond. And by themſelves and others provided at their own charge, or by their Tenants (whom they made by ſuch ſub-infeudation) they performed the ſervices reſerved by the King. As if the King gave XX Knights Fees to be held in Chief, or Lands to be held by the ſervice of XX Knights or men at Arms (which was the ſame kind of gift) if the Patentee infeoffed others of part to be held under him (for example) by the ſervice of the fifteen Knights, then the King was ſerved at the charge of his Baron the Patentee with five Knights, and the other fifteen were ſupplied by thoſe that held the reſt by mean tenures; yet ſo, that if they failed in their ſervice,[c] the Baron was to pay Eſcuage (according to their number) to the King and have his like remedy againſt them. Of theſe kind

a *Cart. 1 Joh. R. part. 1. m. 1. & vide infra § 18. de Baronia Drogonis Ivetvenis.*

b *Videſis Bract. lib. 2. ca. 34. §. 1.*

c *Videſis o Richt. Hoved. pag. 709 Ed. Francof.*

of

of Knights Fees held in chief, *William* the firſt, when he diſtributed his Earldoms and Baronies chiefly to his *Normans* (as *Ingulphus* ſaith he did) reſerved in all, the ſervices, if we may believe *Ordericus Vitalis*, of LX thouſand Knights or men of War. *Terras militibus ita diſtribuit* (ſaith [d] he) *& eorum ordines ita diſpoſuit, ut* Angliæ *Regnum* LX *millia militum indeſinenter haberet, ac ad imperium Regis, prout ratio popoſcerit, celeriter exhiberet.* And the number of all the Knights Fees in *England*, noted very often in Leiger books, and in ſome of the old Statute Books and elſe-where, together with the Pariſhes and Towns alſo, doth but a little differ from this. It exceeds this number only CCXV. The words that we commonly find in thoſe books are theſe. *Nota quod in Comitatibus prædictis* (after the catalogue of all the Counties of *England*) or *in* Anglia *continentur* XLVM *Eccleſiæ parochiales &* LII M *&* LXXX *villatæ &* LXM *&* CC *&* XV *feoda Militum de quibus Religioſi habent* XXVIII M *&* XV. And the Author of [e] *Eulogium* expreſly referrs the number of Knights Fees to the ſame King *William*'s time. *Has Provincias* (ſaith he, ſpeaking of the Shires of the *Saxon* times) Willielmus *Conqueſtor fecit deſcribi & per hidas ſive Carucatas fecit demetiri, & tunc inventi ſunt in* Anglia *&c. Feoda Militum* 600215, *de quibus habent Religioſi* 28015, *villæ in* Anglia 1080, *Eccleſiæ Parochiales in* Anglia 40711. But *Alexander*, Archdeacon of [f] *Shrewsbury*, a moſt diligent Officer of the Exchequer under *Richard* the firſt, King *John*, and *Henry* the third, delivers that he never could ſee teſtimony enough of the juſt number of Knights Fees (the number of the Pariſhes and Towns before mentioned we examine not here) that were under *William* the firſt. But he ſays, that in his time it was a tradition commonly received, that the number of Knights Services or Knights Fees under that King, were XXII thouſand only, which report he credited not; and he gives his Reaſon, becauſe he could find no proof of it in any Record. And he ſays alſo, that it may be doubted that *William* the firſt's near ſucceſſors, were ignorant of any ſuch number, becauſe when *Henry* the ſecond was to levy aid of his Baronage for the marriage of his eldeſt daughter the Lady *Maude*, to *Henry* Duke of *Saxony*, he [f] commanded by Proclamation, that every Baron Spiritual and Temporal ſhould certifie the juſt number of the Knights Services that he owed the King, or the Knights Fees which he held of him; as if becauſe this King commanded his Barons thus to certify, therefore the tradition of the certain number that was given by *William* the firſt, were alſo uncertain. That I conceive his reaſon to be, but a very ſlight one or of no moment. For the number might, and moſt likely did vary often, according either as the King created new Barons by giving them Knights Fees to be held likewiſe in Chief, or as any of the Baronies ended upon Eſcheate, or were joyned by marriage, or otherwiſe returned to the Crown. Beſides alſo, it might have been before known how many were in all held, yet not how many every one held, which was required only by that Proclamation. His words are in his preface to his [g] collection of the Eſcuages under *Henry* the ſecond, *Richard* the firſt, and King *John*, which he wrote in the time of *Henry* the third. *Illud commune verbum ore ſingulorum tunc temporis* (he means the time of *Richard* the firſt, when under *William* Biſhop of *Ely* Chancellor of *England*, he collected, in another work, the Certificates or returns made before the Aids levied of

England.

d *Hiſt. Eccleſ. lib. 4. p. 523. b.*

e *Ms. in Bibl. Cotton.*

f *Ms. in Archiv. State.*

f Anno ut videtur 9 *Hen. 2* de qua re conſulas *Matth. Paris An* 1163 *& Roger. Hoved. Anno* 1164.

g *Ms. lib. Rub. in Scaccario fol.* 7.

England of the Baronage for that Marriage of *Henry* the ſecond's daughter) *divulgatum, fatuum reputans & mirabile quod in regni conquiſitione Dux* Normanniæ, *Rex* Willielmus, *ſervicia* XXXII M *militum infeodavit, cum nec ſuper hoc poſteris ſuis Regibus* Anglorum *Rotulos reliquerit, nec annalia ſua temporibus meis à quibuſquam viſa ſunt, rotulo quidem* Wintoniæ *ſive* Domeſday, *vel libro Hydarum, excepto, quo quidem hydæ totius* Angliæ *earundemq; tenentes Anno Regni ſui* XVI *per totius Regni Comitatus recenſens, ſatis compendiosè concluſit. Ignoraſſe quidem hæc ſervitia militaria Regis ejuſdem poſtmodum ſucceſſores ſubſequentium argumento non immerito potuit dubitari ; quia cum Rex* Henricus *filius Imperatricis Duci* Saxoniæ *filiam ſuam* Matildam *nuptum traderet, à quolibet ſui Regni milite marcam unam in ſubſidium Nuptiarum exegit, publicè præcipiens edicto, quod quilibet Prælatus & Baro, quot milites de eo tenerent in capite, publicis ſuis inſtrumentis ſignificarent, quæ quidem inſtrumenta per ſingulos Comitatus diſtincta ſub præfato* Willielmo Elienſi (he had before ſpoken of him) *in unum recollegi volumen.* But we ſee here that the common tradition of the Age, wherein this Author wrote, was almoſt but of half as many Knights Fees as *Ordericus* ſpeaks of. Yet *Ordericus* [h] lived under King *Stephen.* The Barons that were thus created in thoſe elder times, after the *Normans*, being made tenants to the Crown in Chief, were either Spiritual or Temporal. The Temporal Barons are ſeen eſpecially in the enumeration of the King's chief tenants in [i] *Domeſday*, in the Eſcuages of the times of *Henry* the ſecond, *Richard* the firſt, and King *John*, and in the Certificates made, by all of them, of the number of their Knights Fees, under *Henry* the ſecond, before he levied the aid for the marriage of his daughter the Lady *Maude* (both which are collected [k] in the Red Book of the Exchequer by that *Alexander* Archdeacon of *Shrewsbury*) and in diverſe Pipe Rolls of the ſame age, and in the extracts out of certain inquiſitions taken in the time of King *John.* In that of *Alexander* of *Shrewsburie*'s collection of the Eſcuages, he uſes for the moſt part, over the Eſcuage of the ſeveral years, theſe words, *Eſcuagium tam ſuper Prælatis* (of that word alone, as it denotes Spiritual Barons often ; ſomewhat more anon) *quam cæteris Baronibus aſſiſum* or *impoſitum.* And in ſome places, he hath alſo heads ; *De his qui non habent Capitales honores.* And according to that collection of this *Alexander*, the Pipe [l] Rolls of the ſame time often have their heads *De Scutagiis Baronum Angliæ, de exercitu Walliæ*, and *De Scutagiis Baronum qui non abierunt cum Rege in exercitu Galweiæ*, and *de Scutagiis Baronum qui non abierunt nec milites, nec denarios, miſerunt ad exercitum Hiberniæ, Galweiæ, Walliæ*, and the like. And under thoſe heads the names of the Barons of the Counties where the heads are placed, occurr together, with the number of the Knights (or Knights Fees) for which they paid their Eſcuages. And the ſame kind of tenants in Chief or Barons are oftimes alſo in the Rolls of the ſame time indifferently called *Milites* in heads of the ſame ſyllables, ſaving that *Militum* ſupplies *Baronum*, which agrees with the uſe of the later ages wherein *Miles* and *Chivaler* have been ſo proper and uſual in the expreſſion of them. But the fulleſt teſtimony of the ages of the firſt part of our diviſion now in hand, is in that of the Certificates made by all the Barons of the number of Knights Services, to which they were bound, unde *Henry* the ſecond upon the matter of aid and marriage of his daughter. *Alexander* of *Shrewsbury* ſays expreſly that the King's Proclamation

h *Ipſo teſte, Eccleſ. hiſt. lib.* 13. *pag.* 924.

i *Mſs. Vide item ibid. in Burgo de* Warwick; *& Not. ad Edmer. pag.* 169.

k *Mſ.*

l *Rot. mag.* 20 *Hen.* 2. *in* Buckingh. 33 *H.* 2 *in* Oxinford. Norff. Suff. Ebor. &c. 2 *Rich.* 1. *in* Herefordſc. *&c.*

clamation was that *quilibet Prælatus & Baro quot Milites de eo tenerent in capite publicis ſuis inſtrumentis ſignificarent*, and that thoſe *publica inſtrumenta* of every of them, ſent in according to the Proclamation, he collected. For *Prælatus* alſo in that paſſage; more anon, in the Spiritual Barons. But it is plain that the reſt were Temporal Barons, and only tenants in Chief, and, in their Certificates, their poſſeſſions are oft times (according as the fancy of the Clerk that drew them, would have it) called alſo Baronies. But there is no doubt but all were indeed Baronies, though but ſome only ſtiled ſo. For all were held in Chief (touching which tenure to this purpoſe, more in the teſtimonies hereafter brought of the meeting of Barons in Councels or Parlaments of that time) and all thoſe poſſeſſors were alſo *Barones* as this *Alexander* expreſly calls them. Some examples of the Certificates we add here. *Walterus de Meduana* thus certifies that he holds the ſame Knights Fees, being XX, which that great Soldier and Baron of that age, *Gefferey Talbot* held under *Henry* the firſt. Henrico *Dei gratia Regi* Angliæ *Chariſſimo Domino ſuo* Walterus de Meduana *ſalutem & fidele ſervicium*; *Notum ſit vobis quod anno & die in quo Rex* Henricus *avus veſter vivus & mortuus fuit, tenuit* Galfredus Tallebot (See much of this great Lord in the *Geſta Regis Stephani* publiſhed by *Du Cheſne*) *in capite de illo* XX *milites quos gratia veſtra de vobis modo teneo*; and then his Tenants or *Vavaſors* are reckon'd, all whoſe ſervices together make up his number. The moſt are of this kind. But many have the name of *Baronia* in them; as that of *William de Curcy*. *Hæc eſt Baronia* Willielmi de Curcy [n] *Dapiferi quam avus ſuus & pater ſuus tenuerunt & quam ipſe tenet*; and then, *ex Baronia* Willielmi Meſchin *ex parte matris ſuæ*. So, *Iſti ſunt milites de Baronia* Drogonis Juvenis *de* Monte acuto; *De parvis Militibus Comitis Moreton, quorum* III *Milites non faciunt niſi quantum* II *debent facere de cæteris Baronibus* Angliæ. And divers like are in that collection. And in the extracts out of the inquiſitions taken in the time [o] of King *John*, the phraſes of *Tenentes per Baroniam & ſervicia militaria*, and *Milites & Barones tenentes in capite de Rege*, are uſed for the ſame perſons. *Baro* alſo and *qui de Rege tenet in capite* are ſo uſed in two Laws, the one of *William* the firſt, the other of *Henry* the ſecond touching excommunication, as is noted upon [p] *Edmerus*. And though in theſe as in ſome other ſuch paſſages, Earls were alſo comprehended (by reaſon of the more large notion of the Title of Baron, whereof already) yet it is plain that all the reſt beſides Earls were Barons, in the diſtinct notion of Baron, which is the ſubject here. The moſt of the Temporal Barons that we find in this time, or their anceſtors, were created by *William* the firſt, or ſome of his ſucceſſors that fall in the time of this part of our diviſion. For ſome, doubtleſs, not revolting againſt the Crown, continued from the *Saxon* times, and kept their *Tainlands* (which were their Baronies) as they before had them, and were ſtiled Barons as well as *Thanes*, and at length Barons only. But this continuance could happen only in Temporal Barons. For although the ſame dignity with a Temporal Baron, under another name, were in the *Saxon* times, and ſo it might continue where that other name was, in a *Saxon*, converted into it; yet no Spiritual perſon had any ſuch kind of dignity attributed to him until after the *Normans*. Not that the Prelats of that time, had not place and voice in their ꝑyċel ꝑynoꝺ and ꝓiꝛenagemoꝛeꝺ (For they had place and voice there as Biſhops and as they

England.

[m] *Lib. Rub. Scacc. pag.* 84, & vide auxilium ad Maritandam filiam & Carta Rot. Mag. 12 Hen. 2 20 Hen. 2 & 27 Hen. 2. &c.

[n] *Ibid. pag.* 88. *Somerſet.*

[o] *Ibid. fol.* 142.

[p] *Pag.* 168. & *ſeq.*

England. they were Spiritual only, a relique whereof ſeems to remain in that uſe of ſending Writs of Summons of Parlament to the Gardein of the Spiritualties of a void Biſhoprick, which is obvious in the Rolls,) but that they had not their place or voice there, by the name of *Thanes*, or by reaſon of their poſſeſſion of *Tainlands* or of their Temporalties, as after the *Normans* they had, all which we ſhew anon more largely in the Spiritual Barons of that age, after we have added ſomething of the Reliefs payable upon the death of Temporal Barons in thoſe times. For upon the death of Spiritual Barons, none it ſeems was ever payable, as our year-books alſo teach us. The Law of *William* the
q §. 16. firſt, touching the Relief of a Baron, is [q] before noted. It conſiſted then in Horſes, Arms, and things of that nature. But as the Reliefs of Earls, being of the ſame nature, were (if we conjecture [r] right)
r §. 11. changed into money, upon the aſſiſe of [s] Arms made in XXVII of *Henry* the ſecond, being before legally payable in Arms, though often, I doubt not, compoſitions were made for money (but after that aſſiſe every man's Arms were preſerved for his heir) ſo were alſo the Reliefs of Barons, which yet, together with thoſe of Earls, were not ſet at certain ſums until the grand Charter afterward, under King *John*, appointed their juſt values. But an objection here offers it ſelf againſt what we have delivered touching the Creation and Nature of Baronies both of Earls and Barons in thoſe elder times. For we ſuppoſe the Baronies of both to have conſiſted of Knights Fees or Lands held by ſervice of ſo many Knights. But the Reliefs of Knights Fees appear ſettled at five pounds, or at leaſt ſo reſtrained that they never exceeded five pounds, long before the Grand Charter was firſt made. *Dicitur rationabile relevium alicujus* (ſaith the Au-
t *Lib.9.cap.4.* thour of the book called *Glanvile*) [t] *juxta conſuetudinem regni de feodo unius militis centum ſolidi——de Baroniis verò nihil certum ſtatutum eſt quia juxta voluntatem & miſericordiam Domini Regis ſolent Baroniæ Capitales de Releviis ſuis ſatisfacere.* And under *Henry* the ſecond, *Henry de Umfravil*, a tenant of the Honor of *Gloceſter*, accompts for
u 33 *Hen.2. Lib.Rub.in Scac.Mo.fol. 61.b.* [u] XLV pounds *de relevio* IX *militum de feodo Comitis*, and *Roger de Maiſi* for the like ſum *de relevio* IX *militum de eodem feodo.* If then, the Reliefs of Knights Fees were certain, and that Baronies conſiſted of Knights Fees, whence was it that the Reliefs of Baronies were uncertain? This ſcruple I think may be cleared, by that diſtinction of Knights Fees which is before [x] uſed. Some were held in chief, ſome
x §. 7. by mean tenures, and were called alſo *Vavaſories*. The Reliefs of thoſe which were held in chief, and made the Baronies, were, always in thoſe elder times, uncertain, and the paſſages that ſpeak of the certainty of the Reliefs of Knights Fees in thoſe times are not to be underſtood of ſuch as were held in chief. But only of the Vavaſories or Knights Fees, held by mean tenures as of Honors or Baronies, as thoſe of *Umfravil's* were. For they were held of the Honor of *Gloceſter*, as appears in the Record whence they are mentioned. And this certainty grew to them, it ſeems, from that law of *William* the firſt, touching the
y §. 4. Reliefs of *Vavaſors*, which is before [y] inſerted. For there, five pounds is the higheſt ſum that was payable in lieu of their Reliefs which alſo firſt conſiſted in Horſe and Arms, as thoſe of Earls and Barons did. But the liberty given by that Law to ſupply the Relief by five pounds at length, it ſeems, came to ſuch a certainty that every *Vavaſory* or Knight's Fee held by a mean tenure ſhould pay five pounds for a Re-

lie

lief and never above, but sometimes under, according as he could compound for his Father's Horse and Arms. For it is not without example that in those times less than five pounds was paid for some Knights Fees that were *Vavasories*. As under *Henry* the second, in *Northamptonshire*, Michael de Preston [z] *reddit compotum de* XIX *libris & X solidis de Relevio* IV *militum & dimidio de* [a] *Escaetis Regis. In Thesauro* VIII *libras*; *& debet* XI *libras & X solidos*; And in *Essex* and *Hartfordshire*, Henricus *filius* Reginaldi *debet* XL *solidos de Relevio de feodo* III *partium* I *militis de feodo filii* Willielmi filii Alani *qui est in custodia Regis*. In the first example of these the Relief of a Knight's fee is but IV pounds VI s. VIII d. and in the second, but IV Marks. But these and the like, I conceive, proceed from some composition, which were beneath the utmost rate of the Statute of *William* the first, which made five pounds the highest, but left the Law so, that the heir might justly compound for less, in case his Father's Horse and Arms were of less worth. For Horse and Arms legally were, it seems, the measure of Reliefs until that Assise of Arms in XXVII of *Henry* the second, whereof [b] before. How the Law of those Reliefs changed, we shew anon in that part of our division that intercedes the later time of King *John*, and the middle of *Edward* the second. And we come now to Spiritual Barons of the time which we have hitherto handled concerning Barons.

England.

z Rot. mag. 20 Hen. 2. De placitis Alani de Nevil.

a *Quales illæ fuerint vide Mag. Chart.* cap. 31.

b §. 11.

XIX. The Bishops, Abbots, and other Ecclesiastical persons of the *Saxon* times, held their lands free from all Secular service besides that *trinoda* [c] *necessitas*, as it was sometime called, whereunto their Lands were most commonly, by a special exemption, kept subject. *Expeditio Pontium, & Arcium extructio* or *refectio* (or supply for the wars, and for the building or repairing of *Castles* and *Bridges*) were the three which were commonly excepted in the King's grants of Church-lands, after the words that freed them *ab omni Seculari servitio*, or *exactione*. Examples of it are in *Ingulphus*, in the Book of *Worcester*, [d] and many such more. And in a complaint under *Henry* the third against the grievous exactions which the Pope exercised on Churchmen and their possessions, mention [e] being had of the large grants made to them in the *Saxon* times, these words to the same purpose are added. *Nec adeò libertati dederunt hujusmodi possessiones, quin tria sibi reservarent semper propter publicam regni utilitatem, videlicet* Expeditionem, Pontis, & Arcis reparationes *vel* refectiones, *ut per ea resisterent hostium incursibus*. But neither of these three excepted, were reserved as a tenure, but the exception of them declared only the King's intent to be, that they should be free from all services, and from all other charges whatsoever, saving those three, for which in their witenagemotes or Parlaments, or otherwise, according to the Laws of the time, their possessions as well as the Lands of all lay men were rated and charged, as in later time upon the granting of Subsidies or the like they are, or according to that of *Knivet* in * 44 *Ed.* 3. *fol.* 25. *a.* where with reference doubtless to this antient form of discharge, he says that though the Prior of Saint *Oswald* in *Yorkeshire*, held in Frankalmoigne and free *ab omni servitio & exactione seculari*, yet he was not thereby discharged of reparation of Bridges or Causeys. For the services that were due out of the Tainlands of Temporal Thanes (or out of the Baronies of such as were Temporal Lords of that time) were, I conceive reserv'd, according to the forms of the time, so particularly as that every such

c *Chart. Cedwallæ R. Eccl. Cant. A. D.* 730 *in Archiv. Eccles. Cant.*

d *Ms.*

e *Apud Matth. Paris pag.* 838. *Ed. London. A. D.* 1244.

* Vide item 3 *Ed.* 3. *tit. North. Fitzh. tit. Assise* 445.

England. *Thane* knew his ſervice by that reſervation no otherwiſe than tenants by Knight's ſervice at this day know what they are bound unto by the quantity of their fiefs. That is, their charge was perpetually fixt upon them by tenure. But the poſſeſſions or Temporalties of the Spiritual Lords (who at that time were only Biſhops) were free from the charge of Tenure, yet ſubject to the giving ſupply to thoſe publick uſes, or to the paying Subſidies for them, when other Lands of the Kingdom were legally taxed; no otherwiſe than at this day thoſe Lands are, which are not chargeable with ſuch ſupply by any tenure; or as in the old Empire, *Etiam Eccleſia* [f] *inſtructionis itinerum & Pontium reparationis onus adgnoſcit.* And *ad inſtructiones reparationeſque itinerum Pontiumq; nullum genus hominum, nulliuſque dignitatis ac venerationis meritis, ceſſare oportet*, we read in the Conſtitutions [g] of *Honorius* and *Theodoſius*. According to which is that of King *Ethelbald*; *Concedo* [h] *ut omnia Monaſteria & Eccleſiæ regni mei à publicis vectigalibus operibus & oneribus abſolvantur niſi Inſtructionibus Arcium vel Pontium, quæ nunquam ulli poſſunt relaxari.* Why *Expeditio*, or ὑπηρεσία (as they called it) that is, ſupply for war or defence of the Realm, was omitted here, I know not. But as in this place, the words *niſi &c.* make no tenure, ſo I conceive the like to particular Churches did not, when in the Charters that *trinoda neceſſitas* of ſupply to publick uſes was excepted. Only the like charge as all men were by accidental and legal taxes ſubject unto, was intimated by them. And ſo a great difference was in thoſe ages between the tenures of the Biſhops or Spiritual Lords, and the Thanes or temporal Lords; as eſpecially upon a juſt conſideration of that place in *Matthew Paris*, and of what is hereafter ſaid, touching this point, will appear more plainly. And this their freedom from that tenure which diſtinguiſhed the Honorary *Tainlands* in the *Saxon* times and the Baronies, after the coming of the *Normans*, from other poſſeſſions, continued it ſeems till the IV year of King *William* the firſt, when he made the Biſhoprick and Abbeys ſubject to Knight's Service in chief, by creation of new tenures, and ſo firſt turned their poſſeſſions into Baronies, and thereby made them Barons of the Kingdom by tenure. This is juſtified by *Matthew Paris*, and *Roger* of *Wendover*, [i] out of whom *Matthew Paris* took this relation. *Anno* MLXX, (ſo are their words) *Rex* Willielmus *peſſimo uſus conſilio omnia Anglorum Monaſteria auro ſpolians et argento, inſatiabiliter appropriavit et ad majora ſanctæ Eccleſiæ opprobria calicibus et feretris non pepercit.* Epiſcopatus *quoq; et* Abbatias *omnes quæ* Baronias *tenebant* [*in pura et perpetua eleemoſyna*] *et eatenus ab omni ſervitute ſeculari libertatem habuerant ſub ſervitute ſtatuit militari irrotulans ſingulos* Epiſcopatus *et* Abbatias *pro voluntate ſua, quot milites ſibi et ſucceſſoribus ſuis, hoſtilitatis tempore, voluit à ſingulis exhiberi. Et rotulas hujus Eccleſiaſticæ ſervitutis ponens in theſauris, multos viros Eccleſiaſticos huic conſtitutioni peſſimæ reluctantes à regno fugavit.* How it is likely he brought them to this kind of tenure, may be conjectured by other circumſtances of the ſtories [k] of the ſame time. And obſerve ſpecially that he held a Parlament the ſame year, ſo that perhaps this innovation of their tenures was done by an act of that Parlament alſo. That Parlament is anon more [l] particularly mentioned. But for that paſſage in *Matthew Paris* and *Wendover*; Both in the print and in the Manuſcripts that I have uſed of them, *in pura & perpetua eleemoſyna* are omitted, which yet I cannot doubt but ſhould have place there, as I ſee they had in ſome good Copy whence the learned

[f] *Paratitl. lib. 1. tit. 3.*

[g] *De privileg. domus Auguſt. l. 4. abſit & vide Eclog. Baſil. lit. 54. pag. 456* περὶ σωτελειῶν &c

[h] *Ingulph. pag. 833. ed Franc.*

[i] *Ms.*

[k] *Videſis Florent. Wig. ſub anno 1070. Orderic. Vital. Eccleſ. hiſt lib. 4. pag. 518 & 523 & Rog. de Hoveden pag. 453 Ed. Franc.*

[l] *§. 20.*

learned *Camden* [m] tranſcribed part of the ſame paſſage. Neither indeed is there ſence enough in it without thoſe words. For if *Baronias tenebant & eatenus ab omni ſervitute ſeculari libertatem habebant*, ſhould be interpreted, as it muſt, *they hold Baronies and in that regard were free from all ſecular ſervice*, it is a contradiction; if Baronies be underſtood there for poſſeſſions that in truth were Baronies: For their very eſſence was for the moſt part in being ſubject to military ſervice by tenure in chief as is already ſhew'd. If on the other ſide, *Baronies* be underſtood there for great poſſeſſions of the Church only and that the word *Barony* be uſed by anticipation, as in truth it is (for before the tenure created, they were not Baronies) then what dependence hath *eatenus* upon it? ſo that plainly *eatenus* ought to be interpreted by thoſe words, left out of the print which ſupply the ſence moſt fully and according to the truth of the *Saxon* times. But in the Manuſcript copy of *Matthew Paris*, which I uſe, in a very antient hand, theſe words are noted in the upper margine over the year MLXX. *Hoc anno ſervitium Baroniæ imponitur Rameſiæ.* It ſeems the volume belonged to the Abbey of *Ramſey*, and ſo ſome Monk of the houſe noted that in the margine touching his own Abbey, which equally concerned the reſt of the Abbeys that were meant in that relation. And in the Parlament of 51 *Hen.*3. at Saint *Edmundsbury*, this Requeſt of the King (which was the firſt of them that were then made in the houſe) is obſervable to this purpoſe with the anſwer to it. *Item* * *petitum eſt, ut omnes Clerici tenentes Baronias, vel laicum feudum, perſonaliter armati procederent contra Regis adverſarios, vel tantum ſervitium in expeditione Regis invenirent, quantum pertinet ad tantam terram vel tenementum.* Reſponſio. *Ad hoc reſpondebatur, quod non debent pugnare cum gladio materiali ſed ſpirituali. Scilicet cum lachrymis & orationibus humilibus & devotis. Et quod propter beneficia ſua manutenere tenentur pacem non bellum. Et quod* BARONIÆ EORUM AB ELEEMOSYNIS PURIS STABILIUNTUR, *unde ſervitium militare non debent niſi certum, nec novum incipient.* Here thoſe words *Baroniæ eorum ab eleemoſynis puris ſtabiliuntur*, denotes, I think, that the Baronies of the Cletgy were made of ſuch Lands as had been antiently held only in Frankalmoign according to that before cited touching them. And as then the Biſhops and Abbots, ſo ſome others alſo of that kind of dignity, and by ſuch tenures, afterward became Barons likewiſe. But although theſe Eccleſiaſtical perſons were truly, by reaſon of their tenures, Barons, yet they are oft-times expreſſed by the name of *Prælati* only, as when *Prælati et Barones*, is uſed for Spiritual and Temporal Barons or of *Epiſcopi et Abbates &c.* or the like, when *Barones*, for the Temporal Barons only, is added alſo. The examples of that kind are very frequent. That of the collection made by *Alexander* of *Shrewsbury*, of the certificates of every Prelate and Baron touching the Aid to *Henry* the ſecond before [n] mentioned, ſhews it; where alſo the Prelats or Spiritual Barons of that time, and the number of Knights Fees are reckon'd. You may ſee alſo thoſe of the time of *William* the firſt in *Donteſday*. And much more of them for the whole time of *Henrie* the ſecond and *Richard* the firſt, and of the former part of *King Iohn*, in their pipe Rols, where, under the Titles *De Scutagiis Baronum qui milites non miſerunt*, and the like they are noted with the Temporal Barons [o] that were in like caſe. So that *Barones* comprehended aſwel thoſe Biſhops and Abbots as the Tempo-

England.

[m] *Britan. pag.* 123. *& videſis ultimam clauſulam capitis* 1 *lib* 7. *Glanvillæ. Hinc recte capiendum eſt quod de hac re obiter inſertum habetur in* Clementis Reynerii *Appendicis Apoſtolatus Benedictini parte* 3. *Scriptura* 69.

* *Math. Paris pag* 1310.

[n] §. 17, & 18.

[o] *Vide ſupra* §. 18.

England. Temporal Barons, though for distinction of their qualities, sometimes *Prælatus et Baro* be so used that the first, being an Ecclesiastical Title, denotes the Spiritual Barons, and the last, being originally temporal, denotes only the Temporal Barons. For the use of the word Baron hath been most various with us, as is before shewed.

XX. We come now to the chief passages that concern both the Spritual and Temporal Barons of that time, as they had *place and voice in the Parlaments* or *great Councels of the Kingdom*, out of which also light will be given both to those other particulars that are already delivered of the distinct dignity of Barons, as also of Earls, as Earls are often comprehended under the larger notion of the same word. *William* the first in the fourth year of his Reign or MLXX (which was the year wherein he first brought the Bishops and Abbots, under the tenure by Barony) Consilio Baronum suorum (saith *Hoveden* [p] out of a collection of lawes, written by *Glanvil*, as also the author of the book [q] of *Lichfield*) *fecit summoneri, per universos consulatus Angliæ, Anglos nobiles & sapientes & sua lege eruditos ut eorum & jura & consuetudines ab ipsis audiret.* And XII were returned out of every County who shewed what the customes of the Kingdom were, which being written by the hands of *Aldred* Archbishop of *York*, and *Hugo* Bishop of *London*, were with the assent of the same Barons for the most part, confirmed in that assembly which was a Parlament of that time. And so much is also shewed in that Law of *Henry* the first. *Lagam Regis Edwardi* (saith [r] he) *vobis reddo cum illis emendationibus quibus pater meus eam emendavit consilio Baronum suorum.* This might be the same Parlament wherein the controversie between *Thomas* Archbishop of *York* (he was consecrated after the death of *Aldred*, the same year; and to the same year this controversie is attributed) and *Ulstan* Bishop of *Worcester* touching certain possessions, was determined. In MLXX saith *Florentius*, [t] *Reverendi* Ulstani Wigornienſis *Episcopi mota est querela, jam consecrato* Thoma *qui pro* Eboracensi *Ecclesia, in Concilio, in loco qui vocatur* Pedreda, *celebrato coram Rege ac* Doroberius *Archiepiscopo* Lanfranco *& Episcopis, Abbatibus, Comitibus, & Primatibus totius* Angliæ, *Dei gratia adminiculante terminata est.* Under *Primates*, the Temporal Barons that being not Earls were here, I presume, comprehended, although sometime the same word, as *Proceres* or *Magnates*, comprehend both them and the rest also. And *Primates* plainly also denotes Temporal Barons in that subscription of *Godfrey* Bishop of *Constantine* about two years after, to the decree touching the Primacy of *Canterbury*. The words are; *Ego* [t] Goffridus Constantiensis (it should be *Constantinensis*) *Episcopus & unus de Primatibus* Anglorum *consensi.* For that decree was confirmed *totius Regni assensu*, as *Edmerus* says, which expresses a full Parlament; although but some Lords only subscribe to it. And as in the same subscriptions, *Odo* Bishop of *Bayeux*, having by that name no place in Parlament, stiles himself also Earl of *Kent* by which title he had place and voice there, so did this other *French* Bishop, who by the title of his Bishoprick was no part of the Parlament, but only by reason of the Temporal Barony which he possessed in *England*. For his possessions were very large here, and by the King's bounty he held of him CCLXXX Mannors. *Dono* Gulielmi *Regis* (saith * *Ordericus*) *ducentas*

[p] *In Hen 2. pag. 343 Ed. Lond.*

[q] *Ms. & videsis Not. ad. Edmerum pag. 171*

[r] *Matth. Paris pag. 75. Ed. London.*

[t] *Idem fere M. Paris, quod dum in anno 1095. refert ad 1070. retrospicit.*

[t] *Malmesb. de gest. Reg. lib. 3.*

* *Hist Eccles. lib. 4 pag. 523. A.*

ducentas & octoginta villas, quas à manendo Maneria vulgò vocamus, obtinuit, quas omnes Nepoti suo de Molbraio, *propter nequitiam et temeritatem suam, non diu possessuro, moriens reliquit.* That *Principum conventus* (as [u] *Edmerus* calls it) or the assembly of Earls and Barons, at *Pinneden* in *Kent* (wherein *Lanfranke* Archbishop of *Canterbury omnium astipulatione & judicio*, as the same Author's words are, recovered against *Odo* Earl of *Kent*) belongs to this place, and was held about the first year of *William* the first. And in our year books also in a case touching the exemption of the Abbey of *Bury* from the Bishops of *Norwich*, we have mention of a Parlament [x] held under the same King, wherein all the Bishops of the land, Earls and Barons made an ordinance touching that exemption.

England.

[u] *Hist. Nov. lib. 1 pag. 9 & videsis Notas ad eundem p. 197.*

[x] *21 Ed. 3. fol. 60.*

About the seventh year also of *William* the second, or MXCIV, a Parlament was held in *Rockingham* Castle, in *Northamptonshire*, summoned chiefly by reason of the difference between the King and *Anselme* Archbishop of *Canterbury*, touching his going to *Rome* for the Pall, the acknowledging of the Pope, and such like, and procured by the Archbishop to the end that *Episcopis, Abbatibus, cunctisque Regni Principibus una coeuntibus communi consensu definiretur*, as [y] *Edmerus* says. The whole form of proceeding in it, and the debates of it are most observable, as the same Authour especially relates them.

[y] *Hist. Nov. li. 1. pag. 26. & videsis Malmesbur. de gest. Pontific. lib. 1. in Arselmo.*

A year or two after, the same King, saith the same *Eadmerus*, [z] *de statu Regni acturus Episcopos, Abbates, & quosq; Regni Proceres in unum, præcepti sui sanctione egit.*

[z] *Hist. Nov. lib. 2. pag. 38. & de Judicio Baronum sub hoc Rege, videsis Elor. Wigorn. sub Anno 1093.*

At the Coronation of *Henry* the first, *Clerus Angliæ & populus universus* (saith *Matthew Paris*) were summoned to *Westminster*, where divers Lawes were both made and declared. And *commune consilium Baronum* [a] *meorum* is mentioned in it. But wheras in the subscription of witnesses to the charter of those Lawes (as both he hath it twice, and also *Roger* of *Wendover* [b] from whom he took it) some few Bishops, Earles and Barons with the addition of *& aliis multis* are remembred; the self same Charter both in [c] *John Brampton*, and in the Red book of the [d] Exchequer, is subscribed with his *His testibus, Archiepiscopis, Episcopis, Comitibus, Baronibus, Vicecomitibus & Optimatibus totius Regni Angliæ apud Westmonasterium quando coronatus fui.* Duplicats of the Charter were sealed, and one was sent into every County to be preserved in the chiefest Abbey of the County. And it seems that the *Vicecomites* or Sheriffs of every County, were all attending for that cause.

[a] *Vide Matth. Paris pag. 75. & 321. Ed. Lond.*

[b] *Ms.*

[c] *Hist. Jornal. Ms.*

[d] *Ms. pag. 163*

In the third year of the same King or MCII *Concilium celebratum est* at *Westminster*, which consisted of Bishops and Abbots, and *huic conventui affuerunt*, Anselmo *Archiepiscopo petente à Rege* (saith [e] *Eadmerus*, and after him *William* of [f] *Malmesbury*) *Primates Regni, quatenus, quicquid ejusdem concilii autoritate decerneretur, utriusq; Ordinis concordi cura & solicitudine ratum servaretur.* Many Laws were made in that Meeting which are related in those Monks. And *Roger* of [g] *Hoveden* hath some other made about six years after by all the Bishops of *England* (as he saith) in *præsentia glorioſi Regis* Henrici, *assensu Comitum & Baronum suorum.* Some other assemblies [h] of the Earls and Barons, as well Spiritual as Temporal of all *England*, upon summons, are mentioned in the Annals that comprehend the Acts of this King *Henry.* After his death until the time of his grandchild *Henry* the second, I have

[e] *Hist. Nov. lib. 3. pag. 67.*

[f] *De gest. Pontif. lib. 1.*

[g] *In H. 1. pag. 472. Ed. Fr.*

[h] *Videsis Polidor. lib. 2. in H. 1. ubi de Parlamentis.*

England have not obſerved any thing that gives obſervable light here. But under the ſecond *Henry* in his tenth year or MCLXIII, about the end of *January*, that great Parlament at *Clarendon* was held *Preſidente* (ſaith *Matthew Paris*) *Johanne de Oxonia* (the ſame was afterward Biſhop of *Norwich*) *de mandato ipſius Regis, præſentibus etiam Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, & Proceribus Regni.* But *Roger* of *Hoveden* ſays expreſly, that *Clerus & Populus regni* were then aſſembled; and ſo mentions it as a full Parlament, or *generale Conſilium*, as [k] *Fitz-Stephens* and ſome others call it, which is alſo underſtood it ſeemes in the relation of it tranſcribed at the end of *Quadrilogus* and in *Goldaſtus*, where *Nobiliores* [l] *& antiquiores regni* be added to the Biſhops, Earls, and Barons of the Kingdom. In this Parlament, the antient cuſtoms, or thoſe *avitæ conſuetudines* (as they are called in divers Epiſtles of the Popes, of *Joannes Sarisburienſis*, and in others of that age) which made that great quarrel between the King and *Thomas* Archbiſhop of *Canterbury*, were recognized, and among them this one is ſingularly pertinent to our ſubject here. *Archiepiſcopi, Epiſcopi, & univerſi perſonæ qui de Rege tenent* in capite *habeant poſſeſſiones ſuas de Rege* ſicut Baroniam *& inde reſpondeant Juſticiariis & miniſtris Regis & ſequantur & faciant omnes conſuetudines Regias*, & ſicut cæteri Barones *debent intereſſe judiciis curiæ Regis* cum Baronibus, *quouſq; perveniatur ad diminutionem Membrorum vel ad Mortem.* Thus we read in *Matthew Paris*, and in *Roger* of [m] *Wendover*, alſo, and the ſelf ſame is among the Laws of that Parlament, in *Gervaſius* [n] *Dorobernienſis* (an Authour that lived in that [o] age when it was held) ſaving that whereas in *Matthew Paris* we have it Imperatively, and *conſuetudines* only, *Gervaſius* delivers it all Indicatively. For *habeant, reſpondeant, ſequantur* and *faciant*, he hath *habent, reſpondent, ſequuntur* and *faciunt*, and *rectitudines & conſuetudines.* But it is ſo corruptly publiſhed in *Goldaſtus*, [p] as alſo at the end of the *Quadrilogus*, that the true ſence of it is changed. *Archiepiſcopi, Epiſcopi, & univerſæ perſonæ regni quæ de Rege tenent in capite & habent* (ſo is it in *Goldaſtus*) *poſſeſſiones ſuas de dominio Regis ſicut Baroniam & inde reſpondent Juſticiis & Miniſtris Regis, et ſequentur, et facient omnes rectitudines, conſuetudines et Regias et ſicut Barones cæteri, &c.* as *Matthew Paris.* And the *Quadrilogus* hath almoſt the ſame ſyllables, ſaving that for *ſequentur et facient* it hath *ſequuntur et faciunt.* But the full and true ſence is preſerved in it, as *Paris*, *Wendover* and *Gervaſius* relate it. And it is a ſingular teſtimony for what we have before delivered touching the Creation of Barons in thoſe times. *Tenere de Rege in Capite, Habere poſſeſſiones ſicut Baroniam*, and to be a Baron, and to have right to ſit with the reſt of the Barons in Councels or Courts of Judgment according to the Laws of that time, are ſynonymies in it. The meaning of it is, that all Biſhops Abbots, Priors, and the like that held in chief of the King, had their poſſeſſions as Baronies, and were accordingly to do all ſervices, and to ſit in judgment with the reſt of the Barons in all caſes, ſaving caſes of blood. The exception of caſes of blood proceeded from the Canon Laws, which prohibited Clergy men to aſſent to ſuch judgments. And the Clergy of the Parlament of *England* hath ſometimes, by reaſon of thoſe Canon Laws, abſented themſelves [q] from ſuch judgments, and committed their whole intereſt for the time to a lay proxy. Thoſe words *univerſæ perſonæ regni*, I interpret all Abbots, Conventual Priors and the like; as if the words had been *univerſi in dignitatibus*

k Ms. *vit. Tho. Arch. Cant.*

l *Conſtit. Imperial. tom. 3. pag.* 347. ubi vide Baronum noſtrorum complurium nomina, ſed depravata nimis

m Ms.

n Ms. *pag.* 68.

o *Bal. Cent.* 3. *Script.* 48.

p *Conſtit. Imperial tom.* 3. *pag* 348.

q *Rot Parl.* 11 *Rich.* 2 &. 21 *Rich.* 2.

gnitatibus Eccleſiaſticis poſiti qui de Rege tenent, &c. The phraſe was taken from the uſe of it in the Lawes of the Church. For as *Perſonatus* is ſometimes, in the Writers of the Canon Laws, uſed for the dignity of the chiefeſt Eccleſiaſtical Corporations, ſo they that bear that dignity are ſtiled here *perſonæ*, which yet time and uſe with us hath long ſince confined only to the ſignification of Rectors of Pariſh Churches. *Cognoſcitur* (ſaith [r] *Archidiaconus*) *perſonatus quando aliquis habet prærogativam in choro vel in Capitulo, in optionibus, in proceſſionibus, in vocibus dandis & hujuſmodi præ aliis Canonicis ejuſdem ordinis.* And although he allow not the word proper for the greater dignities of the Church, yet others [s] ſuppoſe *Dignitatem & perſonatum* to bear the ſame ſence, touching which I referr you to our [t] *Lindwood*. We add here that reaſon given by *Henry* the ſecond, why he would not permit that any of theſe tenants in chief or his *Capitanei* (as *Radulphus de Diceto* * calls them) ſhould be excommunicated without his lieve, which was a Law firſt made by *William* the firſt. *Ne*, ſaith *Matthew Paris*, [u] *ſi hoc Regem lateat, lapſus ignorantia communicet excommunicato*, Comitem *vel* Baronem *ad ſe venientem in oſculo vel Conſilio admittens.* To the Parlament of *Northamton* alſo, or the *Magnum Concilium* (as *Roger* of *Hoveden* and others call it) held in *October* the XI year of *Henry* the ſecond, or MCLXV, all that were tenants in chief were ſummon'd. *Caſtro Northamtuniæ* (ſaith an antient [x] Writer of the life of *Thomas Becket* Archbiſhop of *Canterbury*, ſpeaking of the King) *Solenne ſtatuens celebrare Concilium omnes qui de Rege tenebant in Capite mandari fecit.* And the whole proceeding there againſt that Archbiſhop, as it is related in *Hoveden*, *Gervaſius*, * *Dorobernienſis*, *Quadrilogus*, and others is eſpecially obſervable. But that part of it which concerns *John* the Marſhal's complaint againſt him for matter of injuſtice, as we have it more exactly declared in *William Fitz Stephen* [y] a Monk of *Canterbury*, that attended *Becket* in thoſe troubles, gives the moſt clear light in the preſent ſubject. The difference between the Spiritual Barons and the Temporal, about giving judgment againſt him (in regard of the dignity of his perſon) the giving the judgment, and the Parlamentary courſe of that time in ſuch caſes appears no where ſo fully. Therefore we tranſcribe it. *Secunda die* (ſaith he) *conſulentibus Epiſcopis, Comitibus, & Baronibus* Angliæ *omnibus*, [z] *Nor. pluribus*, *Roffenſis Epiſcopus & quidam alius nondum venerat. Archiepiſcopus læſæ Majeſtatis Coronæ Regiæ arguitur quia ſcilicet ut ſupra narratum eſt à Rege citatus pro cauſa Johannis* (he means *John* the Marſhal, and the cauſe of the complaint appears at large in *Hoveden*) *neq; venerat, neq; idoneè ſe excuſaſſet. Archiepiſcopi depulſio nullum locum habuit. Allegata tamen* Johannis *ſupradicti injuria, & juriſdictione hujus cauſa propria, & Curiæ ſuæ integritate, Rex exigit judicium. Archiepiſcopi ratio nulla eſt approbata. Viſum eſt omnibus, ex reverentia Regiæ Majeſtatis & ex aſtrictione ligii homagii* (he uſes that word divers times for Homage) *quod Domino Regi fecerat Archiepiſcopus, & ex fidelitate & obſervantia terreni ejus honoris quam ei juraverat, quod parum eſſet defenſus vel excuſatus, quia citatus à Rege neque venerat, neque corporis infirmitatem vel neceſſariam quæ deferri non poſſet officii Eccleſiaſtici adminiſtrationem per nuncios allegaverat. Condemnandumq; eum dixerunt in pœnam pecuniarum omnium bonorum ſuorum mobilium ad miſericordiam Regis. De proferendo judicio, diſtantia fuit inter* Epiſcopos & Barones, *utriſq; alteris illud imponentibus*;

England.

r *Ad C. ſtatutum tit. de reſcript. lib. 6.*

s *Card. de Elect. C. ut circa.*

t *Ad tit. de præſumpt. C. unic. verb. Perſonatu & tit. de vita & honeſtate Cleric. c. 1. ut Clericalis.*

* *Citantur verba ejus in Notis ad Eadmerum pag. 169.*

u *Anno 1163.*

x *Anonym. Ms.*

* *Ms.*

y *Stephanides Ms. de vita & paſſione Tho. Cant.*

z *Puto Normanniæ.*

England. *bus ; utriſq; ſe excuſantibus.* *Aiunt* Barones ; *vos* Epiſcopi *pronuntiare debetis ſententiam, ad nos non pertinet. Nos laici ſumus ; vos perſonæ Eccleſiaſticæ, ſicut ille ; conſacerdotes ejus ; Coepiſcopi ejus. Ad hæc aliquis Epiſcoporum ; Imo veſtri potius eſt hoc officii, non noſtri. Non enim eſt hoc* Judicium Eccleſiaſticum, *ſed* Seculare. *Non ſedemus hîc* Epiſcopi *ſed* Barones. *Nos* Barones *& vos* Barones, Pares *hic ſumus. Ordinis autem noſtri rationi fruſtra inimitimini. Quia ſi in nobis ordinationem attenditis & in ipſo ſimiliter attendere debetis. Eo autem ipſo, quod* Epiſcopi *ſumus, non poſſumus* Archiepiſcopum *& Dominum noſtrum judicare. Sed quid ? Rex, hac audita de pronuntiando controverſia, motus eſt. Et controverſari ſuper hoc deſitum eſt. Dominus* Wintonienſis (*Henry de Bloys* was then Biſhop of *Winchester*) *impoſitus dicere tandem & invitus pronuntiavit.* Archiepiſcopus *autem, quia ſententiæ vel recordationi Curiæ Regis Angliæ non licet contradicere juſtinuit, conſilio Epiſcoporum, Ad acta, ad mitigandum et honorandum Regem, ſolenni & manuum ipſius miſſione, quaſi conceſſionis judicii, ut moris eſt ibi & omnibus Epiſcopis datis vadibus præter* Gilbertum *illum* Londinenſem *qui rogatus pro eo ſpondere, noluit ; quæ ejus ſingularitas notam fecit.*

In the XXIII year alſo of the ſame King, in Lent, there was an aſſembly of all the Spiritual and Temporal Barons, or the Biſhops, Abbots, Priors, Earls and Barons (as *Hoveden* ſays) at *Weſtminſter* for the determination of that great contention between *Alfonſo* the King of *Caſtile*, and *Sancho* King of *Navarre*, touching divers Caſtles and Territories in *Spain*, which was by comprimiſe ſubmitted to the judgment of the King of *England*. And *habito cum Epiſcopis, Comitibus, & Baronibus noſtris, cum deliberatione conſilio*, he determined it, as he ſaith himſelf, in the firſt perſon in the exemplification of the judgment, which with the whole proceeding is at large in *Hoveden*. Some memory of it is alſo in *Matthew*[a] *Paris*. Under *Richard* the firſt, we ſee in *Hoveden* that while the King was in his captivity in the Empire the Earls and Barons were aſſembled together in that *Commune Conſilium regni*, as he calls it, or the Parlament, wherein it was adjudged upon the ſight of the letters and inſtructions that were taken by the *Major* of *London* in the hands of *Adam* of Saint *Edmond's* Agent to *John* Earl of *Moreton* (who was impriſoned alſo) *quod Comes* Johannes *diſſaiſiretur de omnibus tenementis ſuis & ut Caſtella ſua obſiderentur ; & factum eſt ita.* It ſeems that Parlament was held at *Oxford*. It is mentioned only in *Hoveden*, as ſitting where that *Adam* was taken. And it ſeems by the courſe of the ſtory (which, as many other things in that Writer, is delivered with much confuſion of time) that it ſat in *Frebruary* that year wherein the King returned in *May* following. But in the Roll of accounts of the Sheriff of *London* and *Middleſex*, for that year (which was the firſt of King *Richard*) I think the Writs of Summons of it to *Oxford* are thus mentioned. *Laurentio*[b] *Oſtiario* XX *ſolidos ad deferendas ſummonitiones Regis per Angliam pro Concilio convocando apud* Oxineford *per Breve Regis.* In *March* and *April*, the year following, the ſame King held a Parlament or great Councel with his Barons, Spiritual and Temporal, *in quo ipſe petiit ſibi fieri judicium de Comite* Johanne, *fratre ſuo, qui contra fidelitatem, quam ei juraverat, caſtella ſua occupaverat et terras ſuas tranſmarinas et ciſmarinas deſtruxerat et fœdus cum inimico ſuo Rege* Franciæ *contra eum inierat*, as alſo againſt *Hugh* Biſhop of *Coventry* for Treaſon. And it was thereupon adjudged

[a] Anno 1176.

[b] Rot. *Mag.* 5 *Rich.* 1. *in* Lond. & Middleſex.

judged, that both *John* Earl of *Moreton*, and the Biſhop ſhould be peremptorily ſummoned, and if they appeared not within forty days, *nec juri ſteterint, indicaverunt* (ſaith [b] *Hoveden*) *Comitem* Johannem *demeruiſſe regnum, & Epiſcopum* Coventrenſem *ſubjacere judicio Epiſcoporum in eo quod ipſe Epiſcopus erat, & judicio Laicorum in eo quod ipſe Vicecomes Regis extiterat.* Other proceedings before the Barons in that Parlament, are remembred in the ſame Author. *England.*

b *Pag.* 737. *Edit. Franc.*

In the ſecond year of King *John* alſo that great controverſie touching the Barony that *William of Mawbray* claimed againſt *William* of *Stutvile*, which had depended from the time of *Henry* the ſecond, was ended *Conſilio Regni & voluntate Regis*, by way of fine or compoſition as the ſame *Hoveden* tels us. In his fifth [c] year alſo, *Convenerunt ad colloquium apud* Oxoniam *Rex & Magnates Angliæ*, ſaith *Matthew Paris*. And the Rolls of that year have *Commune Conſilium Baronum noſtrorum* [d] at *Wincheſter*, in the ſame year. Certain Laws were alſo made for the defence of the Kingdom, in his ſixth year, *Communi aſſenſu Archiepiſcoporum, Epiſcoporum, Comitum, Baronum & omnium fidelium noſtrorum Angliæ*, as the words are of a Roll [e] of that year. We may obſerve here alſo that anſwer of *William de Breoſe* when his children were, as the children of the reſt of the Barons, required by the Miniſters of the ſame King for Hoſtages. *Si ipſum in aliquo offendi* (ſaid he, as *Matthew Paris* [f] relates it) *paratus ſum & ero Domino meo & ſine obſidibus ſatisfacere, ſecundum judicium Curiæ ſuæ & Baronum, Pariumeorum, certo mihi aſſignato die & loco.*

c *Anno* 1204.

d *Rot. Pat.* 5 *Joh. Reg. membr.* 1. *num.* 3.

e *Dorſ Pat.* 6 *Joh. R. membr.* 2. *& Dorſ. clauſ.* 3.

f *Fol.* 303. *Ed. Lond.*

Theſe chief paſſages concerning the Barons having place and voice in Parlaments, or great Councels of that time, we ſhall conclude with an obſervation or two concerning the Summons by which they were called. Somewhat is before noted of Writs of Summons out of the Pipe Rolls of *Richard* the firſt. Thereunto we add out of [g] *Fitz Stephens* that which he ſpeaks of *Henry* the ſecond's ſummons of Archbiſhop *Becket*, as a Delinquent to the Parlament of *Northampton*. He ſays he ſent a command to the Sheriff of *Kent* only to ſummon him, though he were wont of cuſtom to have the firſt Summons by the King's Writ. *Nec tunc enim* (ſaith he) *nec diu ante ei ſcribere voluerat, quia eum ſalutare nolebat. Nec aliam per literas ſibi directas ſolennem ac primam, ut antiqui moris erat, habuerat Archiepiſcopus ad Concilium citationem.* But the antienteſt Writ of Summons that I have ſeen is no elder than the ſixth of King *John*. It is directed to the Biſhop of *Salisbury*, and thus commands him to come, and to ſummon all the Abbots and Conventual Priors of his Dioceſs.

g *Ms. de vita & paſſione Thó. Cant.*

MAndamus vobis [h] *Rogantes quatenus omni occaſione & dilatione poſtpoſita, ſicut nos & honorem noſtrum diligitis, ſitis ad nos apud* London *die Dominica proxime ante Aſcenſionem domini nobiſcum tractaturi de magnis & arduis negotiis noſtris & Communi regni utilitate. Quin ſuper his quæ à Rege* Franciæ *per nuntios noſtros & ſuos nobis mandata ſunt, unde per Dei gratiam bonum ſperamus provenire, veſtrum expedit habere conſilium & aliorum Magnatum terræ noſtræ quos ad diem illum & locum fecimus convocari. Vos etiam ex parte noſtra & veſtra Ab-*

h *Dorſ. Clauſ.* 6 *Joh. R. mem.* 3. *& videſis Dorſ. clauſ.* 15 *R. Joh. part.* 2. *mem.* 7.

England. *bates & Priores Conventuales totius Dioceſis citari faciatis ut Conſilio prædicto interſint ſicut diligunt nos & communem regni utilitatem T. &c.*

The Roll that hath this Writ hath no ſuch note of *Conſimilia* to the reſt of the Barons, as is uſually in other cloſe Rolls where Summons to Parlaments are entred. But it appears in the body of this, that the reſt were ſummoned, and it is before noted that there was a Parlament in the ſame year. But of the title of Barons in the time that intercedes the coming of the *Normans*, and the later end of King *John*, hitherto.

XXI. About the beginning of the next part of our Diviſion here (that which includes the later time of King *John*, and the reſt which follows until the middle of *Richard* the ſecond) an alteration of great moment fell among the Barons and Baronies of the Kingdom. For whereas in the time of the firſt part, every tenant in chief, as is before ſhewed, was indifferently an honorary or Parlamentary Baron by reaſon of his tenure or lands held, which made his Barony; about the end of King *John*, ſome only that were moſt eminent of thoſe tenants in chief (ſometimes ſtiled *Majores Regni Barones*) were ſummoned by ſeveral Writs directed to them. And the reſt (whether ſtiled at any time Barons in ſuch a kind of ſence or no I know not; though they might aſwel have had the name of *Minores Barones*, as the other of *Majores*) that held in chief, were ſummoned alſo, not by ſeveral Writs, but by one general Summons given by the Sheriffs in their ſeveral Counties. What ſpecial kind of place and voice different from the other, they that were thus ſummoned by the Sheriff had, I find not. But that thus the Greater Barons and the reſt of the tenants in chief were then diſtinguiſhed, expreſly appears by a paſſage in the Grand Charter of King *John* made in the laſt year of his Reign. *Ad habendũ commune conſiliũ Regni de* [a] *auxilio aſſidendo aliter quã in tribus caſibus prædictis* (thoſe three caſes, of Aid to make the eldeſt ſon a Knight, of Aid to mary the eldeſt daughter, and Aid of ranſom are underſtood here, as it is plain by the Charter) *& de ſcutagiis aſſidendis faciemus ſummoneri Archiepiſcopos, Epiſcopos, Abbates, Comites &* Majores Barones *Regni ſigillatim per literas noſtras. Et prætereà faciemus ſubmoneri in generali per Vicecomites & Ballivos noſtros omnes* alios (ſome copies have *illos*) qui in Capite tenent de nobis *ad certum diem, ſcilicet ad terminum quadraginta dierum ad minus & ad certum locum; & in omnibus literis ſubmonitionis illius, cauſam ſubmonitionis illius exponemus, & ſic, facta ſubmonitione, negotium procedat ad diem aſſignatum ſecundum conſilium eorum qui præſentes fuerint, quamvis non omnes ſubmoniti venerint.* And in another place about the beginning of the ſame Charter, we have *Si quis Comitum vel Baronum noſtrorum ſive aliorum tenentium de nobis in capite per ſervitium militare mortuus fuerit &c.* according as we find the ſame words alſo in that of *Henry* the third, which hath the moſt of the Chapters that are in this of King *John*. And by theſe words we ſee that *alii tenentes in capite* are ſo remembred with Barons as if the name of Barons had not then belonged to them. But it cannot be reaſonable to think that by theſe Laws of that grand Charter (which was made I conceive, by the King, and his *Barones & liberos homines totius Regni*,

[a] *Matth. Paris pag. 343.*

as

as other particulars [b] were of the ſame time) that diſtinction of the *Majores Barones* from the reſt of the Tenants in chief, firſt began. I cannot doubt but that before this Charter was made, by the Law of ſome other Parlament, it appeared who theſe *Majores Barones* were, and who or of what nature the other Tenants in chief were, that were not of the *Majores*. Otherwiſe, how could the ſtile of *Majores Barones*, have been here ſo familiar, or of any uſe? What certainty could have been in ſo general and indefinite an expreſſion unleſs it had been before determined who they were? Indeed, before this of the Charter, I find not any clear phraſes, of ſuch diſtinction herein, as may fully perhaps ſatisfie; nor meet I with any ſuch Law as, I ſuppoſe, before determined it. But we know by what is already ſhewed, that divers former Parlaments were in this King's time, though the Laws made in them be loſt; and in the year before this Charter alſo, the Authour of *Eulogium* [c] ſaies that *Convocatum eſt Parlamentum* Londoniis, *Præſidente Archiepiſcopo, cum toto clero & tota* ſecta laicali; wherein, *per Domini Papæ præceptum, illa obligatio quam Rex domino Papæ fecerat cum fidelitate & homagio relaxatur omninò* VII *die* Julii. And in his fifteenth year, or about two years, before the date of his grand Charter, he ſummoned a kind of Parlament to *Oxford*, by this ſtrange Writ of Summons that, for ought I have ſeen, is without example and ſeems to point to that diſtinction of Tenants by Knights ſervice which I call here *Barones Minores* of that time, from the *Majores*, or ſuch as were properly Barons. The words of it are;

England.

b *Vide ſis Rot. clauſ. 17. Johan. R. Dorſ. membr. 22. Hæc eſt conventio &c.*

c *Ms.*

R*Ex Vicecomiti* Oxon. [d] *Salutem. Præcipimus tibi quod omnes* Milites *Ballivæ tuæ qui ſummoniti fuerunt eſſe apud* Oxoniam *ad nos à die Omnium ſanctorum in* XV *dies, venire facias cum armis ſuis; Corpora verò* Baronum, *ſine armis ſingulariter &* IV *diſcretos Milites de Comitatu tuo illuc venire facias ad nos ad eundem terminum ad loquendum nobiſcum de Negotiis regni noſtri. Teſte meipſo, apud* Witten XI *die* Novembris.

d *Dorſ. clauſ. 15 Joh. Reg. part. 2. mem. 3.*

Eodem modo ſcribitur omnibus Vicecomitibus.

Now in ſome of his Parlaments, it ſeems, the Law was made, whence this diſtinction firſt grew. And it is like enough to have proceeded thus. We may collect by the Stories of the time, of and about the Interdict (which had continued about ſix years, and ended within leſs than a year before the Parlament, wherein this Charter was made) that upon the many differences and quarrels between the King and many of his Barons, divers Baronies did Eſchete to the Crown, either by Attainders or otherwiſe according to the Laws of the time, which being in the King's hands, were partly granted to others, and partly retained as ready rewards for ſuch as the King would make of his part, by giving them ſuch Eſcheats or any parts of them to hold of him in chief, as the antient Barons, from whom they Eſcheated, had done. And of thoſe Eſcheated Baronies there is expreſs mention in that grand Charter of King *John*, whence alſo we have it yet in that of [e] *Henry* the Third, which is uſed to this day. Divers Barons alſo were perhaps ſo decayed

e *Mag. Chart. cap. 31.*

England in their eſtates that they were not able honourably any longer to ſupport their Titles. Now the other Barons which were of antient foundation or blood, or of great revenue, or the *Majores Barones*, foreſeeing, it ſeems, how their dignity and power might ſuffer much diminution, if the new Tenants in Chief, or Patentees of thoſe Eſcheated Baronies and the reſt that were decayed (being all Barons by Tenure, according to the Laws of that Age) ſhould have equality with them and be indifferently Barons of the Kingdom every way as they were, procured (ſo we may juſtly think) a Law in ſome of thoſe Parlaments that preceded that Grand Charter by which themſelves only ſhould hereafter be properly ſtiled and be Barons, and the reſt Tenants in Chief only, or Knights, or *Milites*, which titles ſhould be given them as diſtinct names from Barons. This could not but much leſſen the dignity and honour of the reſt, although they remained ſtill as Barons according to the former Laws, as well as the greater did. And perhaps becauſe the antient name could not ſuddainly in common ſpeech be wholly taken from them, therefore the addition of *Majores* was given to the antient and more powerful Barons, and of *Minores*, at firſt, to thoſe Tenants in chief in common ſpeech, although we find no old mention of them by that Title. For legally, it ſeems, they had only the title of Tenants in chief, as we ſee in the two paſſages before recited out of the Grand Charter. And their Poſſeſſions alſo were not then legally ſtiled Baronies, but Knight's Fees only, though in common ſpeech divers of of them have retained the name of Baronies to this day, there having not been any honorary Barons of them ſince that Age. But the greater and antient Barons deſiring ſtill to increaſe their own power and honour by leſſening that which was either left in thoſe Tenants in chief, or might afterward be in any other that ſhould be made ſuch Tenants; and thoſe Tenants perhaps, on the other ſide, claiming equal dignity and title, and ſuch place in Parlament as they whoſe eſtates they had, uſed to have; it was ordained as we ſee in that grand Charter, that there ſhould be two eminent Characters of diſtinction of dignity and honour (beſide that of name or title) between greater Barons and thoſe other Tenants. The one appears in that of the Summons before noted. For it was in it ſelf much more honourable to receive Writs of Summons directed from the King, than to be ſummoned by a general name only in the County by the Sheriff. The other is touching their Relief. For whereas formerly while thoſe Tenants in chief and thoſe whoſe eſtates they had, were in the ordinary ſtate of Barons, and their Poſſeſſions legally Baronies, their Reliefs were payable uncertainly, ſometimes in Arms, ſometimes in money, by way of compoſition for thoſe Arms as is before ſhewed; and the Reliefs of the antient and greater *Barons* were now, by the grand Charter, aſſeſſed at a C Marks; the Reliefs of theſe Tenants in chief were made payable, not as for Baronies, but now only as thoſe of *Vavaſor*'s antiently were, or of ſuch as then held Knight's Fees of Honours or Mannors and not in chief. That is that they were to pay five pounds only for every Knights Fee, as we ſee about the beginning of that Grand Charter of King *John*. And the words of it to this purpoſe are in that alſo of [c] *Henry* the Third. The Tenants in chief, being by theſe differences in the form of their Summons, in their Titles, Poſſeſſions, and Reliefs, made ſo much leſs in honour than the greater *Barons*, who had ſeveral Writs at every Summons, and all the antient circumſtances of the Title of Baron ſtill remaining

c *Mag. Chart. cap. 2.*

maining in them; it was the leſs difficult, for thoſe greater *Barons*, to procure a Law to exclude the reſt wholly at length from having any intereſt in the Parlaments of that time under the name of Tenants in chief only. And to this purpoſe, doubtleſs, ſome Law did afterward paſs, whereby it was enacted that none ſhould come to the Parlament, under that name, or the name of Barons, but ſuch only as ſhould have ſeveral Writs of Summons directed to them, in which number, not only all thoſe of the antient and greater Barons were comprehended (according to that Charter of King *John*) but alſo all others to whom Writs of Summons ſhould be afterward likewiſe directed; which was in ſubſtance, that no tenure, in that alone, ſhould any longer make a *Baron* of the Kingdom; but that now the Writ of Summons only, might make one. In what year either that Law, which we ſuppoſe made the firſt diſtinction between the greater *Barons* and thoſe Tenants, paſſed, or when the other was made, which we conceive here afterward utterly excluded thoſe Tenants from their Place which by the Grand Charter they had upon the general Summons in the County, appears not. But it ſeems the firſt was in ſome Parlament held not long before King *John*'s Grand Charter was made; and the other, I think not long after it. Yet I well know that, from the Authority of an antient Writer (whom I confeſs I could not yet ſee, although I have uſed my beſt diligence to meet with him) ſome very Learned men ſuppoſe that this Law of giving place and voice in Parlament antiently to thoſe only as Barons, which by ſeveral Writs ſhould be ſummoned and to none other, was made toward the end of *Henry* the Third, or as ſometimes it is ſaid, [f] about the beginning of *Edward* the Firſt; and, from that authority alſo, they write as if in or near the Age, whereof we now ſpeak, ſome Law had been made, by which none, as Barons, were then to come to the Parlament but ſuch only as ſhould have their Right continued or created by the King's ſpecial Writ of Summons. *Ad ſummum honorem pertinet* (ſaith the Learned *Camden* [g] ſpeaking of the dignity of a Baron) *ex quo Rex* Henricus III. *ex tanta multitudine, quæ ſeditioſa & turbulenta fuit, optimos quoſque reſcripto ad Comitia Parlamentaria evocaverit. Ille enim* (*ex ſatis antiquo ſcriptore loquor*, ſaith he; and the words following are out of that Writer) *poſt magnas perturbationes & enormes vexationes inter ipſum Regem*, Simonem *de* Monteforti *& alios Barones motas & ſopitas, ſtatuit & ordinavit quod omnes illi Comites & Barones Regni* Angliæ, *quibus ipſe Rex dignatus eſt Brevia Summonitionis dirigere venirent ad Parlamentum ſuum, & non alii niſi fortè Dominus Rex alia* [h] *illa Brevia eis dirigere voluiſſet.* And this being begun about the end of *Henry* the Third was perfited and continued, ſaith [i] *Camden*, by *Edward* the Firſt, and his Succeſſours. But that teſtimony of the old Writer, cited here by him, perſwades me not to think any ſuch kind of Law was made ſo late, as about the end of *Henry* the Third, but long before, and much ſooner after the Grand Charter of King *John*. For in all occurrences that I meet with, ſince that Grand Charter, I find no mention of any intereſt that thoſe other Tenants in chief, *Eo nomine*, had in Parlament, who doubtleſs were the Perſons that were excluded from it, whenſoever any ſuch Law was made. And beſides, we have ſome good teſtimony of Barons being diſtinguiſhed, by holding in chief from ſome others that held not in chief, long before the end of *Henry* the Third (or the time to which that antient Authour refers the Law of alteration) which ſeems to

England.

[f] *Camd. Apoleg. pag.* 11.

[g] *Brit. pag.* 122.

[h] *L. ſimiliæ.*

[i] *Videſis eum item in Brit. pag.* 658.

England. to ſhew that there were then Barons by Writ only (according to the purpoſe of the Law we mean here) as well as antient Barons by tenure. That teſtimony is in *Matthew Paris*; *Rex edicto publicè propoſito* (ſaith he [k] ſpeaking of the XXIX year of *Henry* the Third) *& ſubmotione generaliter facta, fecit notificari per totam Angliam ut quilibet* Baro tenens ex Rege in Capite *haberet prompta et parata Regali præcepto omnia ſervicia militaria, quæ ei debentur, tam Epiſcopi et Abbates quam laici Barones.* Barons holding in *Capite* are mentioned here, as if ſome held not ſo, which muſt be ſuch as were Barons by Writ only. And that difference, ſhould moſt properly follow ſuch a Law as we now diſpute of. That old Authour alſo uſed by the Learned *Camden* ſpeaks of Earls no otherwiſe than of Barons, as if ſome like excluſion had been of any of them alſo, than which nothing can be more adverſe to the known truth both of that Age and all times. And even in that we have ſome Character of the ſlightneſs of his Authority, whoſoever he were. Theſe things and what we have already noted, perſwade me to give little credit to that relation, but rather to conclude that not long after the Grand Charter of King *John* (like enough in his own time) ſome Law was made that induced the utter excluſion of all Tenants in chief from Parlaments, beſides the antient and greater *Barons*, and ſuch other as the King ſhould in like ſort ſummon. Whence from that time during the preſent part of our diviſion, or until the middle of *Richard* the Second, none elſe beſides ſuch and the Heirs or Succeſſours (as the caſe happened) of ſuch as were one of thoſe two kinds could juſtly enjoy this honorary title. Neither let it be imputed that we ſeem too confident in the conjecture, that ſuch Laws, as we have ſuppoſed, were made in thoſe times, becauſe we have neither Roll nor Hiſtory that expreſly mentions them. The common Hiſtories of thoſe obſcure time, have many that the Rolls have not. The Rolls that remain (as the Patents and Cloſe Rolls eſpecially) have divers that the Hiſtories want. Neither have all. And it is a wonder rather they have ſo many. For the proper place of the Laws as well of thoſe times (as of ours) was in their Rolls of Parlament, all which are loſt. And ſuch Laws as we find in thoſe other Rolls of thoſe times came but accidentally into them. Whence it is alſo that neither the Grand Charter of King *John*, nor of *Henry* the Third, is in the Rolls of either of thoſe Kings, though we have that of *Henry* the Third elſewhere, both in the Rolls of later time, and in good Writers that are near as antient as the Charter. And that of King *John* is extant only in ſome Originals and in ſome Stories as *Matthew Paris*, [l] *Roger* of *Wendover*, *Thomas* of [m] *Rudborne*, and ſome ſuch more, but not in any Roll that remains now. Nor is it ſtrange, that the memory of the time of making ſuch Laws of ſo great moment ſhould be utterly loſt. The Ordinaries power in granting Adminiſtrations of Inteſtats Goods (which is of no ſmall moment) is well known to all men with us. Yet no antient Book or Roll (as far as I have obſerved) mentions the Law that firſt began it, beſides the Conſtitutions of *Othobon*, [n] where it is ſaid that it is *Proviſio quæ olim à Prælatis regni Angliæ cum approbatione Regis & Baronum dicitur emanaſſe.* But neither thoſe Conſtitutions nor any other Authour ſhews the words of that proviſion, or can tell us when it was made. I know that in King *John*'s Grand Charter, and in ſome Copies of that of King *Henry* the Third, at the end of the XVIII Chapter, *Si quis tenens Laicum feodum &c.* follow theſe

k Pag. 871. Ed. Lond.

l Mr.

m Mr.

n Tit. de bonis Inteſtatorum c. cum mortis.

theſe words; *Et ſi quis liber homo inteſtatus deceſſerit per manus parentum propinquiorum et amicorum ſuorum, et per viſum Eccleſiæ bona ſua diſtribuantur, ſalvis unicuique debitis quæ defunctus debuit*, which I rather take for a ſuppoſition of a precedent right of the Ordinaries granting adminiſtration of Inteſtats Goods, than for the firſt Law that ordained it. But *John de Athon* in his Commentaries upon *Othobon*'s Conſtitutions groſly referrs the beginning of this Law of Adminiſtrations to the Statute of *Weſtminſter* the Second; when it is plain that the Conſtitutions were made in the XXXII of *Henry* the Third, and that Statute of *Weſtminſter* long after, in the XIII of *Edward* the Firſt. Heirs alſo in the times of *Henry* the Firſt, and *Henry* the Second inherited Chattels in like Manner, as Lands, as it appears, in the Laws of *Henry* the [p] Firſt, and in the Aſſiſe of [q] *Clarendon*, renewed at *Northampton*. But the Law is now clearly contrary; and it hath been contrary from about King *John*'s time. And, doubtleſs, it was about that time, changed by ſome Act of Parlament. But no ſuch Act is found remaining in our Books or Rolls. The like might be ſaid of Probats of Wills, and of divers others particulars in this Kingdom. And, in the old *Roman* Monarchy, that famous *Lex Regia*, a Law of the greateſt conſequent that ever any was in *Rome*, by which as [r] *Ulpian*, and [s] *Juſtinian* ſay, *Populus Principi et in eum omne ſuum Imperium et poteſtatem contulit*, was, it ſeems, made about the beginning of the ſame Monarchy, yet no man hath found either the time of it or the words of it, though ſome reference to it be in that fragment of confirmation of a like power [t] to *Veſpaſian* which to this day, by chance, is extant in the Capitol, whither it was, ſome years ſince, transferred from the *Lateran*. The like might be ſaid of the *Lex Regia*, in the *German* [u] Empire, and of ſome other antient Laws, in every ſtate, of whoſe being we are certain by the circumſtances of matter, but for the juſt time of their making, and of the forms of them, we are left wholly to conjecture for want of thoſe antient Teſtimonies of them which have periſhed. *England.*

p *Apud Matth. Paris pag.* 75. *lin.* 14. *a.*
q 22 *Hen.* 2. *apud Reg. Hoveden. pag.* 314. *Edit. London.*
r *ff. de Conſtit. Princ. l.* 1. *quod principi.*
s *Inſtit. de Jure Nat. §. Sed & quod* (ubi videſis *Mynſingerum*) *&* *Pompon ff. de orig. Juris §.* 11. *noviſſimè.*
t *Anton. Auguſt. de Legibus, pag.* 124.
u *Videſis Benedict. Carpzon. tract. de Capitul. Cæſarea cap.* 1. *§.* 18.

XXII. By reaſon of the alteration which thoſe Laws, touching *Barons*, here induced, there were in the time of our preſent Diviſion, or between the later part of King *John*'s Reign, and the middle of *Richard* the Second, two kinds of Barons; *Barons by Writ and Tenure*, and *Barons by Writ only*. Barons by Writ and Tenure, were ſuch as having the poſſeſſion of antient Baronies, were called by ſeveral Writs to the Parlament according to that of King *John*'s Charter, which concerns the *Majores Barones* of the time of the making it. *Barons* by Writ only, were ſuch as were called by a like Writ of Summons, although they had no Poſſeſſions that were honorary Baronies. For alſo, the antient Baronies were now become, in common Language, to be twofold; either ſuch as were Legally Baronies and honorary and ſupported the Title of *Baron* in the antient poſſeſſors their Heirs or Succeſſours, or ſuch as were now but abuſively called Baronies by reaſon of the antient application of that word to them (before the later part of King *John*'s Reign) and were, in truth, eſtimable but as Knights Fees only, which were not honorary Baronies, as is before ſhewed. And of both theſe kinds divers remain and have the name of Baronies to this day. The like is to be ſaid of the Baronies alſo that were of the honorary poſſeſſions of the antient Barons, and have been aliened by them. For, though theſe often have retained the name of Baro-

nies

England. nies in other hands, yet they were ſo ſtiled but in regard of their being in truth honorary Boronies formerly. And their Barons became upon ſuch alienation alſo, Barons by Writ only (retaining their antient place and dignity) becauſe their poſſeſſions were gone, which at firſt made their Anceſtours Barons by Tenure. *Matthew Paris*, or he that continues him, ſaies that *Henry* the Third, being at Saint *Albons*, and having occaſion to ſpeak of his Brother *Richard* Earl of *Cornwall* that was choſen Emperour, reckoned firſt the names of the Electours, and then reckoned alſo the names of the Kings of *England* that were canonized for Saints, and at length alſo the names of the Baronies of *England*, that he could remember which he found to be CCL. *Nominavit idem quoque Dominus Rex* (ſo ſaies [u] the Authour) *& memoravit omnes Angliæ quarum ei occurrit memoria Baronias, invenitque ducentas & quinquaginta.* The Copy that Mr. *Camden* [x] uſed had only *centum & quinquaginta* it ſeems. But what ever the true number were, it was written from the King's mouth, and at his direction and command, as appears by what precedes it in him that wrote it. But whether that paſſage be to be underſtood only of the honorary Baronies of that time, I know not. Nor appears it what the juſt number of them was either at the time of the great alteration under King *John*, or afterward. But if he that would be more curious here for the number intended by *Henry* the Third in his enumeration of the Baronies at Saint *Albons*, would admit that *Baroniæ*, in *Matthew Paris*, may be taken only for the ſeveral honorary poſſeſſions of every Peer or Baron (in the larger notion of Baron) and not for every ſeveral Barony, divers of which one Baron might then, as at this day, have; and alſo if he ſhall rather read there CL (with learned *Camden*) then CCL, he may perhaps have further light out of the Rolls [y] of ſome few years afterward where the Temporal Barons by tenure being about CXXX are called by ſeveral Writs to be preſent *cum equis et armis*, and the Spiritual, being about L more, *ad habendum ſervitium ſuum* as the form of the time was. But doubtleſs the greateſt number of Barons during all this time, whereof we now ſpeak, were Barons *by Tenure* (of whole Baronies; and thoſe all held of the King in chief, [z] according as the antienter nature of Baronies alſo required) as well as *by Writ*, which not only appears by the multitude of the Spiritual Barons, who ſhould of right, all it ſeems, have been, or were conceived to be, by tenure as well as by writ, (as we may collect out of this, that the great ſtore of the Regulars with ſome other Spiritual Perſons that held not in chief, which were ſometime ſummoned, were wholly at length omitted as not having, of right, voice and place with the reſt, as is anon ſhewed more fully) but alſo is ſtrengthened out of the antient Law Books, where in ſome caſes occurring touching the Title of Baron, [a] the Judges ſuddainly make a queſtion touching the Tenure by Barony, as if they had thought that, for the moſt part, every Baron held either *per Baroniam*, or *per partem Baroniæ*, which ſeems to be ſuppoſed alſo under *Edward* the Firſt in the [b] Act concerning the Marſhals and Chamberlains Fees at the homages of Earls and Barons. But it is certain that ſome Barons were now alſo made only by Writs of Summons and had no *Baronies*.

But concerning both kinds of *Barons* in the time of this part of our preſent Diviſion, and as well concerning the Spiritual as Temporal, more in ſome particulars concerning them; which we make here five. The forme of the *Writs that ſummoned them*; The *ſeveral kinds of perſons*

u 41 *Hen.*3. *pag.*1283.

x *Britan.pag.* 122.

y *Vide Clauſ.* 47 *Hen.*3. *Dorſ.m.*7.& *Pat.*48 *Hen* 3. *part.*1.*Dorſ*6. in ſchedula appenſa, *Pat.* 5 *Ed.*1.*Dorſ.* *m.*12.& *Rot.* *Scutagii ejuſ-* *dem ann.m.* 7.

z 24 *Ed.*3.fol. 66.*Grene.*

a 22 *Ed.*3.*fol.* 18.*a.* 48 *Ed.* 3. *fol.*3.*b.* 48 *Aſſiſ.pl.ult.*

b *Weſt.*2.*cap.* 46.

ſons ſummoned as Barons; the *diſcharges of ſome Spiritual Barons* from the burthen of the Title either upon pleading or by Patent; the name of *Banneret ſometimes as a Synonymy* attributed to the *Temporal Barons*, and the juſt conſideration of that common opinion of a *Baronies conſiſting of* XIII *Knights and a third part*. For the form of the Writs that ſummoned them; There were many Parlaments between the beginning of the time of this part of our Diviſion and the end of *Henry* the Third, as appears in the Rolls of his time in *Matthew Paris*, and in the Writer that continues him and ſuch more; ſome of which Parlaments are teſtified, with the moſt of them that have followed to this day, in our publiſhed Statutes. But the Writs of Summons to Parlaments, of thoſe of the antienteſt time of this part, were either rarely entered, or in ſome other Rolls than the cloſe Rolls where the Writs of this kind, in the elder times after *Henry* the Third, are uſually found. It ſeems this was one, which the cloſe Roll of the XXVI of *Henry* the Third [c] yet preſerves. *England.*

[c] *Dorſ. clauſ. 49 Hen. 3. mem. 13.*

HEnricus *&c. venerabili in Chriſto patri* Waltero Eboracenſi *Archiepiſcopo ſalutem. Mandamus vobis quatenus ſicut nos & honorem noſtrum pariter & veſtrum diligitis & in fide quæ nobis tenemini, omnibus aliis negotiis omiſſis, ſitis ad nos apud* London *à die ſancti Hillarii in* XV *dies ad tractandum nobiſcum, una cum cæteris magnatibus noſtris quos ſimiliter fecimus convocari, de arduis negotiis noſtris ſtatum noſtrum & totius Regni noſtri ſpecialiter tangentibus & hoc nullatenus omittatis.* T. *me ipſo apud* Windleſcram XIV *die* Decembris.

It is ſubſcribed with *Eodem modo ſcribitur omnibus Epiſcopis, Abbatibus, Comitibus, & Baronibus.* But the firſt that we find accompanied with the other circumſtances of a Summons to Parlament (as well for the Commons as the Lords) is in the XLIX year of the ſame King *Henry*, where this one form calls both the Earls and all kind of Barons to Parlament.

HEnricus [d] *Dei gratia* Rex Angliæ *Dominus* Hiberniæ *& Dux* Aquitaniæ *venerabili in Chriſto patri* R. *Epiſcopo* Dunelmenſi, *ſalutem. Cum poſt gravia turbationum diſcrimina dudum habita in regno noſtro, Chariſſimus filius* Edwardus *primogenitus noſter, pro pace in Regno noſtro aſſecuranda & firmanda obſes traditus extitiſſet, & jam ſedata (Benedictus Deus) turbatione prædicta, ſuper deliberatione ejuſdem ſalubriter providenda & plena ſecuritate & tranquillitate pacis ad honorem Dei & utilitatem totius Regni noſtri firmanda & totaliter complenda ac ſuper quibuſdam aliis Regni noſtri negotiis quæ ſine Conſilio veſtro & aliorum*

[d] *Dorſet clauſ. 49 Hen. 3. m. 11. in Scedula.*

England. *Prælatorum & Magnatum nostrorum nolumus expediri, cum eisdem tractatum habere nos oporteat, vobis mandamus Rogantes in fide & dilectione quibus nobis tenemini quod, omni occasione postposita & negotiis aliis prætermissis, sitis ad nos* Londoniis *in octabis sancti Hillarii proximo futuris, nobiscum & cum prædictis Prælatis & Magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi & Consilium impensuri, Et hoc sicut nos & honorem nostrum & vestrum, Nec non & Communem Regni nostri tranquillitatem diligitis, nullatenus omittatis.*

Only the *Teste* of the Writs to the Bishops, is at *Worcester*, XIV *Decembris*; but of those both to the Temporal Barons and most of the Abbots and Priors, it is the XXIV of the same Month at *Woodstock*. But the *Barons* being both Spiritual and Temporal, and the Spiritual being also either Secular as Bishops, or Regular as Abbots and the like (which is anon more particularly shewed) the Writs of the following times had for the most part their difference, according to the quality of the Barons. The *Spiritual Barons* were commanded by the Writs to be present most commonly *in fide & dilectione quibus nobis tenemini*, as in that of *Henry* the Third, and the Temporal *in fide & homagio*, till about the middle of *Edward* the Third, where *in fide et legeancia* began to be used in stead of it, yet so that *homagio* was afterward also in the same place sometimes inserted. The Writs to the Spiritual *Barons* also that were secular (I mean the Bishops) had sometimes under *Edward* the first [e] that clause of commanding them to warn their Priors or Deans (as the case was) and their Chapters, or Covents, and the Archdeacons, and all the Clergy of their Dioceses, that the Deans or Priors and the Archdeacons should be present themselves, and every Chapter by one and the Clergy by two Proxies; and after [f] *Edward* the First during this whole time, the like clause is, for the most part, in the Writs to the Bishops. But some [g] under *Edward* the Second, and *Edward* the Third, as well as *Edward* the First are without it. But observe that in that of 49 *Hen.* 3. and in some of them here noted out of the near following years, where that clause is omitted several Writs were sent to some Deans and Priors of Cathedral Churches, whereof more anon, when we speak of the Summons of Regular Barons. And that clause excepted, the rest of the Writ was agreeable usually to what was directed to the Regular Barons, which was the same that the Temporal had saving in some few Syllables which are anon here shewed. But this I speak, of that part of the Writ that was the body of the Summons. For the Preambles sometimes so varied that some eminent occasions of calling of the Parlament was inserted in the Writs to the Spiritual Barons that was not in those to the Temporal. And for the Preambles also; oftimes they have those occasions in them; oftimes no more than a general and short narrative of the resolution of having a Parlament. And much variation of that nature was in the Writs. Many differences of slighter moment occurr also. And sometimes against making Proxies; Sometimes lieve for Proxies [h] in the Writ; And sometimes in all a clause is against coming attended with Arms.

[e] *Dorſ Claus.* 23 *Ed.*1. *membr.*2, & 3 & 24 *Ed.*1. *membr.*7.

[f] *Videsis Dorſ. claus.*1 *Ed.*2. *m.*8. &c.

[g] *Dorſ.claus.* 23 *Ed* 1.*m.*9. *Dorſ.*28 *Ed.*1. *m* 3. &c.30 *Ed.*1 *m.*7. 1 *Ed.*2 *m.*8.13 *Ed.*2.*m.*13.14 *Ed.*2.*m.*1 .17 *Ed.*2.*m.*27 6 *Ed.*3.*m* 19. &c.

[h] *Vide Dorſ.cl.* 23 *Ed.*1.*m.*2.

Arms. But the moſt and uſual whole form towards the end of *Edward* the Third to the Spiritual Barons that were Secular, or Biſhops, was conſtantly [i] thus. *England.*

i *Dorſ. cl.* 50 *Ed.* 3. *part.* 2. *membr.* 6. &c.

EDwardus, *&c. venerabili in Chriſto patri S. eadem gratia Archiepiſcopo* Cantuarienſi, *totius* Angliæ *Primati ſalutem. Quia de aviſamento conſilii noſtri pro quibuſdam arduis & urgentibus negotiis nos & ſtatum & defenſionem Regni noſtri* Angliæ *ac Eccleſiæ* Anglicanæ *contingentibus, quoddam Parlamentum noſtrum apud* Weſtmonaſterium *in quindena Sancti Hillarii proximò futura, teneri ordinavimus, & ibidem vobiſcum ac cum cæteris Prælatis Magnatibus & Proceribus dicti Regni noſtri* Angliæ *colloquium habere & tractatum, vobis in fide & dilectione quibus nobis tenemini firmiter injungendo mandamus quod conſideratis dictorum negotiorum auctoritate & periculis imminentibus, ceſſante quacunque excuſatione dictis die & loco perſonaliter* [k] *interſitis nobiſcum ac cum cæteris Prælatis Magnatibus & Proceribus prædictis ſuper dictis negotiis tractaturi, veſtrúmque conſilium impenſuri, & hoc ſicut nos & honorem noſtrum ac ſalvationem Regni prædicti ac Eccleſiæ ſanctæ expeditionémque dictorum negotiorum diligitis, nullatenus omittatis, Ne (quod abſit) per veſtri abſentiam, quam ceſſante impedimento legitimo nullo modo excuſatam habere volumus, expeditio negotiorum prædictorum retardetur ſeu aliqualiter differatur; Præmunientes* Priorem & Capitulum *Eccleſiæ veſtræ* Cantuarienſis *ac* Archidiaconos, totumque Clerum *veſtræ Dioceſis quod iidem* Prior & Archidiaconi *in propriis perſonis ſuis, ac dictum* Capitulum *per unum, idémque* Clerus *per* duos Procuratores *idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo et Clero habentes, prædictis die et loco perſonaliter interſint, ad conſentiendum hiis quæ tunc ibidem de communi conſilio ipſius Regni noſtri divina favente clementia contigerit ordinari. Teſte meipſo, apud* Weſtmonaſterium *primo die* Decembris.

k *Vide Dorſ. cl.* 23 *Ed.* 1. *m.* 2. *ubi Epiſcopus Dunelmenſi & Karleolenſi, dicitur* per Procuratorem idoneum interſitis; & *Dorſ. claus.* 30 *Ed.* 1. *m.* 9. *Archiepiſc. Eboracenſi* quod perſonaliter interſitis vel ſaltem Procuratorem cum ſufficienti poteſtate mittatis.

Per ipſum Regem & Conſilium.

The ſame form *mutatis mutandis* concluding with *aliqualiter differatur*; *Teſte &c.* was to the Regular Barons, and to the Temporal likewiſe, ſaving that *cum Prælatis &c.* was for *cum cæteris Prælatis*, and *Ligeantia* or *Homagio* for *Dilectione* in thoſe to the Temporal. The Writs that called thoſe which had place in Parlament, but not voice with the Baronage (as the Judges, the Atturney General, King's Serjeants, or ſuch more) commanded them *quod interſitis nobiſcum et cum*

England. *cæteris de Consilio nostro* and sometimes *nobiscum* only *super præmissis tractaturi vestrúmque consilium impensuri*, whereas that to the Barons was *quod interfitis cum Prælatis, Magnatibus et Proceribus &c.* as also the difference is to this day; which by the way I note least any scruple of this matter should here disturb a Reader that is not acquainted with the Proces of Parlaments. The stiles given in that time to the Spiritual Barons are (as to this day) their Ecclesiastical dignities added to their Christian names; And *Anthony*, Bishop of *Durham*, being also Patriarch of *Jerusalem*, is stiled [l] so under *Edward* the Second. The Temporal barons (such as had only that distinct dignity, whereof we speak here) during all that time are regularly stiled in the Writs by their Christian names and surnames, or by their Baronies supplying surnames, and sometimes by surnames and Baronies. But also in some examples the Title of *Baro* is added, as is before [m] noted. And sometimes *Chivaler* is an addition also.

l *Dors. Claus. 11 Ed. 2 membr. 8. 3 Ed. 2. m. 16. & c. Vide 12 Ed. 3. tit. Breif 480.*

m §. 16.

XXIII. The Persons summoned by these forms of Writs within this part of our division of time (which extends from about the end of King *John*, to the middle of *Richard* the Second) summoned, I mean, as Barons, were the Lords Temporal and the Lords Spiritual. And the Lords Spiritual were either Seculars as Archbishops and Bishops, or Regulars, as Abbots, Priors, and some Masters of Orders. I say summoned as Barons. For by the same kind of Writs also the Gardians of the Spiritualties of Bishopricks in the times of Vacancy, and the Vicars General of Bishops being beyond Sea, were summoned also. But they being summoned only as Substitutes or in the right of the Bishops, or of the vacant Bishopricks were not understood, as Barons, as neither they are at this day or ever were. And though that Division, before made, of the Persons summoned as Barons be regularly, and for the most part of time, true, yet also some other Secular Persons are sometimes found in the Summons of the time whereof we now speak, as some Deans of Cathedral Churches, and such more. For in that of 49 *Hen.* 3. the Deans of *Yorke*, *Exceter*, *Wells*, *Salisbury*, and *Lincoln*, are summoned with the like Writ as the rest, and once under *Edward* the Second, the Official of the Archbishop of *Canterbury* and of the Dean of the Arches. But touching these anon, where we speak of the numerous store of Regular Barons in these elder times. The Temporal Persons summoned as Barons, are obviously reckoned in the close Rolls, and their names vary according either as any new were made, or as the dignity ended, or the Heir were within age, or as any thing else happened, that according to the Law of the time precluded any of them, or caused them to be omitted. The Bishops also are obvious in the same Rolls, and constantly the same, saving where the vacancy or absence out of the Kingdom, or some such like makes a difference. For there was never any that had the Title of a Bishoprick in *England* since the *Normans* (saving the Bishop of *Sodor* in the Isle of Man, which is part of *England*; and the Bishop of the *Jews* here, that was sometimes called *Præsbyter Judæorum*, sometimes [n] *Episcopus*, as also the High Priests of the *Jews* in the *Saxon* Gospel of Saint *John* are divers times turned Biscepar, though in the other Evangelists, racepar ealdpar, for the most part) but was a Baron of Parlament. And they are summoned sometimes by the addition of *Electi N.* when they are Elect and not Confirmed, and if Confirmed and not consecrated, then are they in the

n *Videsis Cart. 1 Joh. R. part. 1. m. 27. n 171. Pat. 41 Hen. 3. n. 6. & Pat. 9 Ed. 1. & Not. ad Marmor. Arundell pag. 179.*

Summons

Summons ſtiled *Electi confirmati N.* as they are alſo in other Writs. But the *Regular Barons* (or the Regular Perſons called by the like Writ as the reſt) vary very much on the Rolls. And we ſhall the more carefully deliver them here, becauſe I ſee ſome very Learned men miſconceive as if thoſe few that had places and were in Parlament under *Henry* the Eighth, had been the only *Regular Barons* of former time with us. It is plain, that as the Abbots and Priours that held in chief in the firſt part of our preſent Diviſion were *Barons* by reaſon of their Baronies or Tenures, ſo in this part, all of them that were comprehended under that name of *Majores Barones* (whereof before) or held the greater Baronies were now *Barons* by Writ and Tenure, and divers others (beſides the few before ſpoken of) that appear upon Writs of Summons directed to them, were *Barons* by Writ alſo until they were legally declared not to be ſo or diſcharged, as in ſome caſes of diſcharge amongſt them is anon ſhewed. But becauſe all of them were not *Barons* (as all Biſhops were) the name of Abbots and Priours indefinitely expreſſed (becauſe indefinitely they were not Barons) is rare in the occurrent mentions of the antient Parlaments, though oftimes *Archiepiſcopi, Epiſcopi, Comites, Barones & alii Magnates* or the like only, without the name of *Abbates & Priores*, expreſs the whole number of the Baronage. And in that particular enumeration alſo of the Biſhops, Earls and Barons, that were preſent with others at the making of certain Laws concerning the trial of Baſtardy and Aſſiſes of *Darrein* preſentment under *Henry* [o] the Third, there is no mention of any Abbot or Priour, though I doubt not but that they are comprehended under *& aliis* that is added to the enumeration. I mean that of XVIII *Henry* the Third which is preſerved in the Plea Rolls of that year, as if it had been tranſcribed out of the Parlament Roll. For all Parlament Rolls of the time of *Henry* the Third are loſt, excepted one of ſome paſſages in the Parlament of *Oxford*, in the 44. of the ſame King which I have heretofore uſed by the favour of an Honourable Perſon that communicated it. By that Plea I ſpeak of, that which is miſprinted, and perhaps miſplaced in *Bracton* touching the trial of Baſtardy, and taken out of ſome Parlament Roll that then remained, may be juſtly amended. For plainly he meant but the ſelf ſame that we remember here of the XVIII of *Henry* the Third. *Poſtea vero* (ſaith he) [p] *die* Jovis *proximè poſt feſtum ſancti* Dionyſii *anno eodem coram ipſo Domino Rege & ſubſcriptis &c. proviſum fuit &c.* and in his next precedent Paragraph he ſpeaks only of the XX year of *Henry* the Third or the Statute of *Merton*, which muſt perſwade his Reader (without ſome correction) that *eodem anno* here alſo is the XX year. But, doubtleſs, that of *eodem anno* in the Parlament Roll whence he took it had relation to the title of the Roll which was the XVIII year that was iterated upon ſeveral parts of it by *eodem anno*, which can have no reference to the time of the Statute of *Merton* or the XX year. The words of this Plea Roll clearly juſtifie it. *Die* Jovis *proximè poſt feſtum ſancti* Dionyſii *anno Regni* Henrici *filii Regis* Johannis XVIII *coram Domino Rege & ſubſcriptis &c.* Almoſt the words of the Act concerning Baſtardy, as they are in *Bracton*, are in the Roll. But the names of the Biſhops, Earls and Barons that he hath before the Act, in the Roll follow it, by which alſo he muſt be corrected. For *Richardo Comite Cornubiæ & Petro* read *R. C. C. & Pictaviæ*; for *Com. Warham*, read *Warreniæ*; for *R. filio Michaelis, Radulpho F. Nicholai*; for

England.

[o] *Placita apud Theokeburiam 18 Hen. 3. Dorſ. Rot. 15. in arce Londin.*

[p] *Bract. lib. 5. tract. de exceptionibus cap. 15. fol. 417. §. 2.*

England. for *H. filio Machute, Hereberto filio Matthei*; for *Sylkarum, Siward*; for *W. de Bromich, Godefrido de Crawecumb*; for *B. Curial, Bertrando de Kuria*; for *E. de Singoy, Engelard de Cigongny*; for *R. de Muſſengoy, Roberto de Muchegros*; for *B. de Pancy, Radulpho de Paunton*; for *G. de Lucy, Herberto de Lucy.* To this Parlament alſo ſhould that be referred which in *Fitzherbert* [q] is attributed to *Hillary* 19 of *Henry* the Third touching Aſſiſes of *Darrain Preſentment* of Prebends. The words of it are in that Plea Roll, although it be in him placed under the XIX year of the ſame King. But this by the way.

[q] *Tit. Darrein preſentment 23. & Nat. Br. fol. 32. D.*

In the Cloſe Roll that hath the Summons of the XLIX of *Henry* [r] the Third, beſide the Biſhops and thoſe Deans before named, we have LXIV Abbots, XXXVI Priors, and the Maſter of the Temple, all called by the ſelf-ſame kind of Writ (the Writ is before [ſ] inſerted) by which the reſt of the Barons were. The words are, *Eodem modo mandatum eſt*;

[r] *Dorſ. Claus. 49 Hen. 3. m. 11. in Schedula.*

[ſ] *22.*

Abbati S. *Mariæ Eborum.*	Priori de *Bridlington.*
Priori *Dunelm.*	Priori S. *Oſwaldi.*
Priori S. *Trinitatis Ebor.*	Abbati de *Ruffod.*
Abbati de *Seleby.*	Priori de *Blida.*
Abbati de *Furnes.*	Priori de *Thurgarton.*
Abbati de *Fontibus.*	Priori *Karleol.*
Abbati de *Rivall.*	Abbati de *Wietby.*
Abbati de *Melſa.*	Priori de *Gisburne.*
Abbati de *Rupe.*	Priori de *Parco.*
Abbati de *Bella Landa.*	

And all theſe were ſummoned by Writs of the ſame date, that ſummoned the Biſhops and thoſe Deans. Then follows,

In forma prædicta ſcribitur Abbatibus & Prioribus ſubſcriptis ſub hac data, teſte Rege apud Woodſtock XXIV *die* Decembris.

Abbati *Sancti Edmundi.*	Abbati de *Ramſey.*
Abbati de *Wautham.*	Abbati de *Burgo.*
Abbati de S. *Albano.*	Abbati de *Thorney.*
Electo de *Eveſham.*	Abbati de *Crolland.*
Abbati *Weſtmonaſterii.*	Abbati *Ceſtriæ.*
Abbati *Glaſtoniæ.*	Abbati *Salop.*
Abbati de *Reding.*	Abbati de *Hulme.*
Abbati de *Cirenceſter.*	Abbati de *Barden.*
Abbati de *Waverle.*	Abbati de *Colceſtr.*
Priori *Elienſi.*	Priori de *Dunſtaple.*
Priori *Norwicenſi.*	Abbati de *Bello Loco.*
Priori de *Merton.*	Abbati de *Parco Lude.*
Abbati de *Oſney.*	Abbati de *Stanlegh.*
Priori S. *Frideſwidæ Oxon.*	Abbati de *Lulleſhulle.*
Abbati de *Meſſenden.*	Abbati de *Biteſden.*
Priori de *Lenton.*	Priori de *Beuver.*
Abbati de *Bello.*	Priori de *Leus.*
Priori Ordinis de *Semprinham.*	Abbati de *Clervaux.*
Priori de *Watton.*	Priori de *Stodlay.*
Priori *Hoſpitalis* S. Johannis *Jeruſalem in Anglia.*	Abbati S. *Auguſtini Cant.*
Magiſtro *Militiæ Templi* in *Anglia.*	Abbati de *Certeſey.*
	Priori S. *Trin. Cant.*
	Abbati de *Hida Winton.*

Abbati

Abbati de *Midleton.*
Abbati de *Cerne.*
Abbati de *Abbotesbury.*
Abbati de *Taviſtock.*
Priori de *Huntingdon.*
Abbati de *Sillebi.*
Abbati de *Wardon.*
Abbati S. *Jacobi Northampt.*
Abbati de *Leyceſtre.*
Abbati de *Kirkeſted.*
Priori de *Eton.*
Abbati de *Cruceroys.*
Abbati de *Kirkeſtall.*
Abbati de *Tame.*
Priori de *Bermundſey.*
Priori de *Bernwel.*
Abbati de *Merival.*
Abbati S. *Auguſtini Briſtol.*
Abbati de *Malmesbury.*
Abbati de *Milthenon.*
Abbati de *Abindon.*
Abbati S. *Petri Glouc.*
Abbati de *Perſour.*
Abbati de *Winchecombe.*
Priori de *Coventr.*
Priori de S. *Necto.*
Priori S. *Swithini de Winton.*
Abbati de *Leſenes.*
Priori de *Leeds.*
Priori de *Landa.*
Priori de *Spalding.*
Priori S. *Bartholomæi London;*
Priori de *Kenilworth.*
Priori de *Oſolveſton.*
Priori de *Tewsbury.*
Priori de *Swinſheved.*
Abbati de *Nuttel.*
Abbati de *Vallis Dei.*
Abbati de *Croxton.*

This number of Regulars is great, but we find alſo by good teſtimony under *Edward* the Third, that all [t] the Abbots and Priors of *England* were ſummoned to that Parlament of the XLIX of *Henry* the Third, and were *voluntariè jummoniti*, as the words of the Record are.

[t] *Pat. 24 Ed. 3; part 1. m. 22. quod habetur inferiùs §. 24.*

In the next Summons [u] that is extant, (which is in 23 *Ed.* 1.) not much more than half ſo many Abbots are found, and thoſe of the greateſt. And with them we have the Maſters of the Temple, and of the Order of *Sempringham*, the Prior of Saint *Johns* of *Jeruſalem*, the Priors of *Merton*, *Bridlington* and *Giſeburn*, and the Prior of *Canterbury*, *Ely*, *Wincheſter*, *Coventry*, *Bath*, *Norwich*, *Durham*, and *Worceſter*. But the Summons to the Biſhops here had not the clauſe of *Præmunientes &c.* which being yet in the next of the [x] ſame year, no Prior of any Cathedral Church had the Writ then ſent to him (for ought appears in the Roll) and the Regulars ſummoned, beſides the Prior of Saint *Johns*, and the two Maſters of the Temple, and of *Sempringham*, were four Abbots under the title of *Exempti*, of *Bury*, *Waltham*, Saint *Albans*, and *Eveſham*, and XLVI under the title of *Præmonſtratenſes*, and XV under the title of *Ciſtercienſes*. But divers are amongſt theſe which we have not in that of *Henry* the Third's time. In the year following, [y] the ſame Regulars are likewiſe again ſummoned. Then in 25 *Ed.* 1. a few only of the chiefeſt [z] Abbots, the Prior of S. *Johns*, the Maſter of the Temple, and the Priors of *Wincheſter*, *Canterbury*, *Ely*, and *Norwich*. But, in the Writ to the Biſhops here, the clauſe of *Præmunientes* is omitted, as alſo in 27 *Ed.* 1. where beſides [a] XXXV of the greateſt Abbots, the Priors of *Canterbury* and *Coventry*, beſides thoſe of *Giſeburn*, *Merton*, and of *Bridlington* are ſummoned. But in the following year [b] the Writs to the Biſhops having the clauſe *præmunientes*, the number of the Abbots ſummoned are LXXII, and the reſt of the Regulars are only the Maſter of *Sempringham*, the Prior of Saint *Johns*, and the Maſter of the Temple, but the direction that notes him, is, *Fratribus & Magiſtro Militiæ Templi.* And in the ſame

[u] *Dorſ. clauſ. 23 Ed. 1. membr. 9. dat. 24 Junii.*

[x] *Dorſ. clauſ. 23 Ed. 1. membr. 4. dat. 30 Septem.*

[y] *Dorſ. Clauſ. 24 Ed. 1. m. 7.*

[z] *Dorſ. Clauſ. 25 Ed. 1. m. 5.*

[a] *Dorſ. Clauſ. 27 Ed. 1. m. 18.*

[b] *Dorſ. 28 Ed. 1. m. 16, & 17.*

[c] year

England.

[c] year the same Abbots and divers more were likewise summoned, with the two Masters and the Prior of Saint *John*'s. In the following years of this King the number of the Abbots differ again, and in some of the Summons of those years, the two Masters are mentioned with the Prior of Saint *John*'s, and in some not. In the first of *Edward* the Second, the Abbots [d] summoned to the first Parlament, were fifty four, and with them the Master of the Temple, and the Prior of Saint *John*'s. To the second [e] the Roll hath but twelve and those of the greatest, with the Prior of *Canterbury*, of *Lewes* and *Eridlington*. And the like almost is in the third Summons [f] of the same year. In his second [g] year, about fifty Abbots are summoned with the Priors of Saint *John*'s, of *Spalding*, and of *Lewes*, as also in the [h] fourth year, though in the Summons of *tertio* of the same King, no Regular Baron be mentioned. And in the summons to one Parlament of 5 *Ed.* 2. [i] the number is much fewer, but in another [k], more Abbots are than in any of the former of his time, beside those three Priors. About fifty also are in the next [l] years Summons, with those three Priors, and the Master of *Sempringham*. In the succeeding Summons of his time, the number of the Abbots is various. But till 13 *Ed.* 2. No other Priors but the three last before mentioned, are summoned; and they with the Master of *Sempringham* also. But in his [m] thirteenth and fourteenth years the number of the Abbots being few, the Prior of *Coventry* is added to those other Priors. But in another Summons of the fourteenth, [n] the most usual number of Abbots (which was about fifty) is in the Roll and the three first Priors with the Master of *Sempringham*; but not he of *Coventry*. The next Summons (which is in his sixteenth year) hath [o] about thirty Abbots and the Priors of Saint *John*'s, of *Lewes*, of *Spalding*, and of *Eridlington*, as also hath the Summons of the [p] seventeenth, and one of the eighteenth of this King. And in this of the eighteenth, the same Writ that was sent to these Regulars, was sent also *Magistro Gilberto de Midleton Archidiacono Northamton Officiali Curiæ Cantuarienſis*, and *Magistro Roberto de sancto Albano Decano de arcubus London*. In the XIX year, [q] twenty four Abbots are summoned with those four Priors. But it is observable that after the words *Priori de Bridlington*, here is written, *Nihil tenet de Rege*. A less number of Abbots (without any Prior) is in the Summons of the time of *Edward* the Third till his fourth year [r] wherein there are twenty seven Abbots, and the Priors of Saint *John*'s, of *Spalding*, and of *Lewes*; as also in his fift [s] year. And those Abbots are of,

c *Ibid.m.*2.& 3.

d *Dorſ.clauſ.* 1 *Ed.*2.*m.*19. 26 *Auguſti.*
e *Dorſ.cl.*1 *Ed.* 2.*m.*11.
f *Ibid.m.*8.
g *Clauſ.*2.*Ed.* 2.*m.*11.*Dorſ.*
h *Clauſ.*4.*Ed.* 2.*m.*2 *Dorſ.*
i 5 *Ed.*2.*ibid.* *m.*17.
k *Ibid.m.*3.
l *Clauſ.*6 *Ed.* 2.*m.*31. *Dorſ.* & *m.*17.& *m.* 2.
m *Clauſ.*13. *Ed.*2 *m.*13. *Dorſ.*& 14 *Ed.*2.*m.*23.
n *Clauſ.*14 *Ed.*2.*m.*5. *Dorſ.*
o *Dorſ.clauſ.* 16 *Ed.*2.*m.* 26.
p 17 *Ed.*2. *Dorſ.clauſ.m.* 2-.18 *Ed.*2. *m.*5.
q *Clauſ.* 19 *Ed.*2.*m.* 27. *Dorſ.*
r *Clauſ* 4 *Ed.* 3.*m.*41.*Dorſ.* & *m.*19.
s *Part.*1.5 *Ed.* 3.*Clauſ.Dorſ.* *m.*25.

St. *Auguſtine* of *Canterbury.*
Ramſey.
Peterborough.
Crowland.
Eveſham.
Saint *Benet* of *Holme.*
Thornton.
Colcheſter.
Leyceſter.
Waltham.
Thorney.
Saint *Edmonds.*
Beau lieu.
Abingdon.
Hide by *Wincheſter.*
Reding.
Glaſtenbury.
Oſney.
Winchcumb.
Weſtminſter.
Cirenceſter.
Saint *Albans.*
Saint *Mary* of *York.*
Shrewsbury.
Seleby.
Saint *Peter* of *Glouceſter.*
Malmesbury.

To

To these in the several Summons of his sixt year is added [f] the Abbot of *Bardeney* who, with the other twenty seven, and those three Priors are the Regular Barons, first noted in the Roll, where the first Writ that goes to the Regulars, being to the Abbot of Saint *Augustines* of *Canterbury*, according to the usual form of entry, these words follow, *Eodem modo mandatum est Abbatibus & Prioribus subscriptis videlicet*, and then follow the names of those twenty seven, and the Abbot of *Bardney*, and the three Priors, and after them these words, *Istis Abbatibus & Prioribus subscriptis non solebat scribi in aliis Parlamentis videlicet.* *England.*

[f] *Dors. Claus. 6 Ed. 3. m. 36, & 19, & 9.*

Abbati de *Teukesbury.*	Abbati Sancti *Augustini Bristol.*
Abbati de *Bardeney.*	Abbati de *Tavistock.*
Abbati de *Barlings.*	Abbati de *Stratford.*
Abbati de *Bello.*	Abbati de *Cestre.*
Abbati de *Bersbere.*	Abbati de *Boghland.*
Abbati de *Hayles.*	Abbati de *Thame.*
Abbati de *Sancta Ositha.*	Abbati de *Lesnes.*
Abbati de *Langedon.*	Abbati de *Gerveux.*
Abbati de *Burton* super *Trentam.*	Magistro *Ordinis de Sempringham.*
Abbati de *Forda.*	Priori de *Sempringham.*
Abbati de *Wardon.*	Priori de *Bridlington.*
Abbati de *Whalley.*	Priori *Ecclesiæ Christi* de *Twineham.*
Abbati de *Furneys.*	Priori de *Giseburn.*
Abbati de *Fontibus.*	
Abbati de *Reyval.*	

But that other number of the fift and sixt years occurrs only (without any of these) afterward [t] till his tenth year where [u] the Prior of *Sempringham*, and the Abbot of Saint *Augustines* by *Bristol* are added. The Prior of *Sempringham* is also afterward [x] summoned with the rest to some Parlaments of the same King. And in his thirteenth year the Abbot of *Thorneton* upon *Humber* is added to them. And it is here observable, that we read in a Bill of Parlament of his fifteenth year. *Que toutes les religioses que teignent per Barony soyent tenus de venir au Parlament.* But the summons differ not considerably touching the Regulars till his two and twentieth year, where we have [y] the Abbots of *Midleton*, *Muchelney*, *Battaile* and *Chertsey*, with the Prior of *Coventry* added to the Prior of Saint *John*'s and of *Lewes*. And some other of these seven and twenty are omitted, as elsewhere they are, in the summons of the times we now speak of, by reason of the houses being vacant, it seems. In his four and twentieth [a] year, five and twenty only of these seven and twenty above represented are summoned with the Priors of Saint *John*'s and of *Lewes*: so in his five and twentieth year, where [b] the Abbot of *Leycester*'s name is cancelled and this written against it. *Abbas Leycestriæ cancellatur quia habet cartam Regis quod non compellatur venire ad Parlamentum.* Touching which matter more anon, where we speak of the discharges of such Regular Barons. Yet in the summons of the seven and twentieth of the same [c] King to a great Councel, this Abbot of *Leycester* is among the rest, and the Prior of *Lewes* only. The same Abbots (saving that some few by reason of vacancy are omitted) are in the next years [d] Parlament, with the Prior

[t] *Claus. 7 Ed. 3. Dors. part. 2. m. 3. 8 Ed. 3. m. 18. 9 Ed. 3. m. 28.*

[u] *Claus. 10 Ed. 3. m. 5. Dors. & m. 1.*

[x] *Dors. Claus. 11 Ed. 3. part. 2. m. 11. 13 Ed. 3. part. 2. m. 28. & m. 1.*

[y] *Claus. 22 Ed. 3. part. 2. m. 3. & m. 7.*

[a] *Dors. Claus. 24 Ed. 3. part. 2. m. 3.*

[b] *Part. 1. Claus. 25 Ed. 3. m. 5. Dors.*

[c] *Dors. Claus. 27 Ed. 3. m. 12.*

[d] *Dors. Claus. 28 Ed. 3. m. 26.*

England. only of Saint *John*'s, as alſo in the nine and twentieth year, where the [e] Abbot of *Leyceſter*'s name is again with the ſame words written againſt it that are in the Roll of the five and twentieth year. Nor do the Regular Barons conſiderably differ from thoſe of the nine and twentieth year, till his ſix and thirtieth [f] year, where we find ſummoned alſo the Priors of *Lewes* and of *Coventry*, beſides thoſe Abbots; as alſo they are in the year [g] following. But in the nine and thirtieth, *Lewes* [h] is omitted, as alſo it is in the next ſummons which is of [i] the two and fortieth, and ſo likewiſe in the reſt till the end of the time of this part of our diviſion, or to the middle of *Richard* the ſecond. But moſt of thoſe greater Abbots before named, are during this time ſummoned with the Priors of Saint *John*'s and of *Coventry*, or one of them, the other being ſometimes omitted by reaſon, it ſeems, of vacancy or other ſuch matter. About the end of the preſent part of our [k] diviſion, and in the ſummons near it, theſe Regulars are thus in the Rolls.

e *Dorſ. clauſ. 29 Ed. 3 m. 8. & vide 28 Ed. 3. Dorſ. clauſ. m. 7.*
f *Clauſ. 36 Ed. 3. m. 16. Dorſ.*
g *Dorſ. cl. 37 Ed. 3. m. 22.*
h *Dorſ. cl. 39 Ed. 3. m. 2.*
i *Dorſ. cl. 42 Ed. 3. m. 22. &c.*
k *Dorſ. cl. 11 Rich. 2. m. 13.*

Abbati de S. *Albano.*
Abbati de *Weſtmonaſt.*
Abbati de *Ramſey.*
Abbati de *Burgo* S. *Petri.*
Abbati de *Bello.*
Abbati de *Croyland.*
Abbati Sancti *Benedicti* de *Hulmo.*
Abbati de *Colcheſter.*
Abbati de *Malmesbury.*
Abbati de *Winchecombe.*
Abbati *Gloucester.*
Abbati de S. *Edmundo* de *Bury.*
Abbati de *Waltham Sanctæ Crucis.*
Abbati de *Thorney.*
Abbati *beatæ Mariæ Ebor.*
Abbati de *Abingdon.*
Abbati de *Salop.*
Abbati de *Reding.*
Abbati de *Bardeney.*
Abbati de *Hida juxta Winton.*
Abbati *Glaſton.*
Abbati de *Seleby.*
Abbati de *Eveſham.*
Priori de *Coventr.*

The Prior of Saint *John*'s, the Abbot of Saint *Auguſtine*'s of *Canterbury*, of *Cirenceſter*, and one or two more are ſometimes added. And the omiſſion I preſume, of them in ſuch Rolls of about that time as have them not, as alſo at other times the omiſſion of ſome others before noted, proceeded from the vacancy of their houſes or ſome ſuch like occaſion, or ſometimes from the Clarks fault that entred not all them that were ſummoned, whence it is no neceſſary argument to ſay that ſuch a one was not ſummoned becauſe his name is not remembred in the ſummons.

Now we ſee the Regular perſons ſummoned in all theſe are either Abbots, Priors, or Maſters of Orders. And with theſe, in that of 49 *Hen.* 3. ſome Deans alſo are called by the like Writ, and in 18 *Ed.* 2. the Archbiſhop of *Canterburie*'s Official, and the Dean of the Arches. And of the Priors, ſome are the Priors of Cathedral Churches whoſe Covents were the Chapters to them and the Biſhops, as thoſe of *Canterbury*, *Norwich*, *Wincheſter* and ſuch like; Others, Priors of Monaſteries that had no relation to any Cathedral Church, as thoſe of *Lewes*, Saint *John*'s, *Eridlington*. But, I conceive, that all theſe were ſummoned as Barons, and to the end that they ſhould have places and voices as Barons, and ſo the dignity of Barons. Nor will there be I think here any difference between the Deans and Priors of Cathedral Churches (who otherwiſe had, at other times, a mediate ſummons by virtue

tue of that clauſe *præmunientes, &c.* but not as Barons) and the other Priors. For that it ſtood together to be a Prior of a Cathedral Church, and a Baron appears in that example of the Prior of *Coventry*, who continued ſo even till the diſſolution of Monaſteries. And for that Official and the Dean of the Arches; the ſame may be ſaid of them as of other Deans, and ſuch Priors, and the reſt that were not Barons by Tenure. But although all theſe were thus ſometimes ſummoned as Barons, yet for want of Tenures in chief (which in theſe kind of Barons was of ſingular moment as we ſee anon in the caſes of diſcharge of ſome of them from attendance at Parlaments) and by reaſon of Patents of diſcharge and ſuch like occaſions agreeable to the Laws of the time, they continued not Barons, but were afterward omitted, and the number reſtrained to ſuch of this kind only as held by Barony or part of a Barony or otherwiſe in chief. And it is obſervable that the moſt of thoſe very Abbots with the Prior of *Coventry* (to whom the number of Parlamentary Abbots was by this time under *Edward* the third, and *Richard* the ſecond, reduced) were from antient time Tenants in chief as appeas by their being ſeverally ſummoned *ad habendum ſervitium ſuum*, that is to have their number of Knights againſt *Wales*, with King *Henry* the third, and the reſt of the Barons of that age: The Summons remain upon the Rolls[l] both of 44, 45, 47, and 48, of that King. And in the firſt year no Prior is ſummoned but the Prior of *Coventry*, though in the ſecond, and 48 he of *Dunſtaple* be ſummoned alſo, touching whom I remember I have ſeen ſome controverſie, in a Book[m] of *Dunſtaple*, whether he held *per Baroniam* or not. And touching thoſe few Regular Barons alſo, there are alike teſtimonies under *Edward* the firſt, wherein thoſe few only (or very near thoſe few only) of Abbots and the Prior of *Coventry* (together with the four Abbeſſes, of *Shafteſbury*, *Lerking*, Saint *Mary* of *Wincheſter*, and of *Wilton*, who are alſo in thoſe Military Summons of the time of *Henry* the third) are by ſpecial Writs ſummoned,[n] *ad habendum ſervitium ſuum*, which is a plain note of their being then Barons. But the Abbeſſes, by the way, were not therefore Baroneſſes though their tenure were of the ſame nature. For no Eccleſiaſtical perſon of that ſex ever had the dignity. And it may be doubted whether that, although ſo many Abbots were ſometimes called, they all had place and voice accordingly. Perhaps ſometimes, ſuch only of this kind of Barons, were permitted to ſit and have voice, as were both by Tenure and Writ. And the reſt excluded that had right only by Writ. But this is but a conjecture, the certainty whereof cannot be known becauſe the Journals, of thoſe times, are utterly loſt, and ſuch Parlament Rolls as remain inſtruct us herein neither way. And we may obſerve about the end of *Edward* the ſecond, was the beginning of the ſpecial care of omitting out of the Summons ſuch as of this kind were not in truth to have place and voice in Parlament, that is ſuch ſpiritual perſons as being Regulars, or beneath that rank held not in chief. And thereupon alſo even ſome of them that held in chief and *per Baroniam*, from antient time, were excluded either by diſcharge or like omiſſion. For the honor of Barony being in them in right only of their Abbeys and Priories, and not inherent in them as in men perſonally ennobled, or as in ſuch as by reaſon of their ſpiritual dignity had neceſſarily a right to place and voice in Parlament, there was much liberty uſed, alſo in omiſſion of them; As for example the Abbot of *Feverſham* that held antiently *per*[o] *Baroniam* and

England.

[l] *Derſ. Clauſ. 44 Hen. 3. m. 8. & 45 Hen. 3. m. 3. 47 Hen. 3. Derſ. 7. & Pat. 48 H. 3. part. 1. m. 6. in Derſ.*

[m] *Ms.*

[n] *Pat. 5 Ed. 1. Derſ. in 11. & Rot Scutagii ejuſ. ann. m. 7.*

[o] *Plac. 30 Ed. 1. Coram Rege Rot. 58.*

England. and was called to XII ſeveral Parlaments in the times of *Edward* the firſt, and *Edward* the ſecond, was never called after the eighteenth of *Edward* the ſecond. Nor find I any diſcharge given to him. The like perhaps may be ſaid of divers more. And if place be here for conjecture, we may well think that the ſtrange ſummons, againſt all example, directed in 18 *Ed.* 2. to the Archbiſhops Official, and the Dean of the Arches drew many of the reſt into queſtion that being Regulars and holding not in chief had no more right to be ſummoned (according to the Law of that time) than the Official and the Dean. For preſently after that a great ſtore of the Abbots before found in the Summons are omitted, and ſo continue omitted, and in the very next year the Prior of *Bridlington* hath added to his name, *Nihil tenet de Rege*, for a note or reaſon why he ought not to be ſummoned, and (which is very obſervable) in 6 *Ed.* 3. we ſee that a ſpecial note is in the Roll of certain Abbots and Priors, *quibus non ſolebat ſcribi in aliis Parlamentis*, which muſt be underſtood of the Parlaments that had intereceded between about the middle of *Edward* the ſecond, and this ſixt year of *Edward* the third. For ſcarce any is named there (if any) that had not been ſummoned to ſome Parlament before the middle of *Edward* the ſecond. And more touching the excluſion or omiſſion of ſome Regular Barons about that very time, preſently follows in the caſe of the Abbot of Saint *James* near *Northampton*.

XXIV. But although ſo many Abbots and Priors were often ſummoned; of which, many held not by Barony, and ſo were for a time made Barons by Writ only, yet, it ſeems, the Law in their caſes was taken to be ſuch that upon their complaints that they and their houſes were ſo much burdened by their attendance in Parlament (for ſuch complaints were ſometimes made by them) and ſhewing that they held not by Barony, or in chief of the King, and that their predeceſſors had not been ſummoned, or not conſtantly ſummoned, but now and then only, they and their ſucceſſors were to be diſcharged for ever of the attendance and ſummons, and by conſequent of the dignity alſo. To this purpoſe we have two moſt obſervable caſes of the time of *Edward* II, and *Edward* III. That under *Edward* II is the Abbot of Saint *James* by *Northampton*. He being ſummoned to the Parlament at *York* in the twelfth year of the ſame King, made Friar *Henry de Blitheſworth*, a Canon of his houſe his proxie, who upon ſhewing to the Lord Chancellor (*John de Otham*, Biſhop of *Ely*, was then Lord Chancellour) and the Counſel of the Chancery that neither the Abbot held of the King by Barony, nor in chief, but in *Frankalmoigne*, nor the Abbot or his predeceſſors had been before ſummoned, procured an order that his name ſhould be raſed out of the Roll of them that were to be ſummoned. The caſe I find at large in a Lieger of that Abbey;[o] and every part of the relation of it is ſo worthy of obſervation, that I inſert it whole here.

Abbas de Sancto Jacobo *extra* Northampton *citatus fuit ad Parlamentum Domini Regis* Edwardi *filii Regis* Edwardi, *anno regni ſui* XII, *poſt Paſcha in unum menſem apud* Eborum, *qui quidem Abbas conſtituit Procuratorem ſuum fratrem* Henricum *de* Blitheſworth *Canonicum ſuum qui comparuiſſe debuit in Parlamento prædicto, cujus Procuratorii tenor talis eſt.*

Excellentiſſimo Domino ſuo, reverendo Domino, *Edwardo* Dei gratia

[o] *Cod. Mſ. Abbatis S. Jacobi Northf. fol.* 222, & 223. In margine codicis *adjicitur. Memorandum quod omnes procuratores fecerant fidem ſuper omnibus excuſationibus in billis vel procuratoriis ſuis contentis. Et de hujuſmodi literis procuratoriis Prælatorum, quæ antiquitus in uſu, vide ſi placet Dorſ. Claus.* 8 *Ed.* 2. *m.* 25. 5 *Ed.* 2 *m.* 15. 11 *Ed.* 3 *part.* 2. *m.* 1. 22 *Ed.* 3. *part.* 2. *m.* 3. 36 *Ed.* 3. *m.* 16, *&c. & faſcic. Lit. Prouratori &c.* 13 *Hen.* 4. & 5 *Hen.* 5.

tia illuſtri Regi *Angliæ*, Domino *Hiberniæ* & Duci *Aquitaniæ*, ſuus devotus Presbyter *N.* Abbas Monaſterii *Sancti Jacobi* extra *Northampton*, ſalutem & fœlicem in Chriſto rogandi gloriam cum orationum ſuffragiis devotarum. Cum ad comparendum in Parlamento veſtro apud *Eborum* a die Paſchæ in unum menſem, per breve veſtrum mihi directum, perſonaliter ſum vocatus, ſuper diverſis & arduis negotiis veſtram excellentiam & ſtatum Regni veſtri ſpecialiter tangentibus tractaturus, una cum Prælatis, Magnatibus & Proceribus Regni veſtri, manſuetudini veſtræ ſi placet ſignifico quod gravi corporis valetudine in tantum ad præſens ſum oppreſſus, quod aliquo modo ibidem meam corporalem præſentiam exhibere non poſſum; deſiderans tamen, modis omnibus quibus poſſum, veſtris bene placitis complacere, dilectum mihi fratrem *Henricum de* Blithelworth Canonicum meum, Attornatum meum & Nuncium ſpecialem, necnon & abſentiæ meæ perſonalem excuſatorem, penes veſtram Regiam Celſitudinem, ordino, facio, & conſtituo per præſentes. Ratum habens & gratum quicquid idem Attornatus meus, Nuncius & Excuſator prædictus nomine meo, una cum aliis ad dictum Parlamentum convocatis, in præmiſſis duxerit faciendum. Valeat & proſperetur celſitudo veſtra Regia per tempora longiora. In cujus rei teſtimonium, Sigillum meum præſentibus appoſui. Datum in Monaſterio antedicto. Secundo die *Maii* Anno Domini milleſimo CCC nonodecimo.

England.

Et quia nec idem Abbas nec Prædeceſſores ſui, unquam antea ad Parlamentum fuerant citati, idem Procurator quæſivit in cancellaria, utrum per ſimplex breve vel per Regiſtrum fuerat citatus. Et ſcrutatis Rotulis Cancellariæ, [q] *invenit nomen Abbatis inter citandos ad Parlamentum irrotulatum. Et per illud irrotulamentum ſemper ad quodlibet Parlamentum eſſe inter alios* [r] *vocaturum. Qui quidem Procurator rogavit cum effectu Domini* Willielmi *de* Aermynne, *tunc Cuſtodem Rotulorum, ut nomen prædicti Abbatis deleretur; deſicut nunquam antea irrotulatum fuit, & deſicut idem Abbas nihil tenet de Rege* in Capite *nec* per Baroniam; *Sed tantum in puram & perpetuam eleemoſynam; nec acceſſus ejuſdem Abbatis ad Parlamentum aliud Domino Regi ſeu ejus conſilio præſtaret conſilium vel ſubſidium, quam Eccleſiæ Sancti* Jacobi *oppreſſionem & Canonicis ibidem pro Rege & ſuis de famulantibus de pauperatione. Idemque Cuſtos reſpondit ſe aliquo modo non poſſe nec velle Rotulos Cancellariæ in aliquo cancellare, quod videbatur eidem Procuratori durum & injuſtum. Nec voluit dictus Procurator, quaſi Procurator aliquo modo comparere, quia ſemper Abbas per ſe vel per Procuratorem conſequente compareret, nec ipſum voluit excuſare de infirmitate, quia tunc videretur quod, ſi poſſet, ibidem comparuiſſet; nec adhuc ipſum excuſare potuit in Parlamento, quod venire non debuit pro eo quod nunquam citatus fuerat, vel quia non tenet per Baroniam, nec de Rege in Capite &c. quia tunc pro contumace haberetur eo quod omnes de Regno de quocunque vel qualitercunque teneant, veniant ad citationem Domini Regis. Sed inde ordinavit quandam Billam Domino* Thomæ *tunc* Comiti Lancaſtriæ, *tradendum ac per eundem Comitem in Communi conſilio, pro remedio adhibendo, exponendam; cujus billæ tenor ſubſequitur.*

A Soun tres honorable, Seigneur, Monſieur *Thomas* Counte de *Lancaſtre*, Seneſchall *D'engleterre*, Monſtre ſoun Chapeleyns & tenaunt tut lige *Labbe de ſa Muſoun de Saint Jake* dehors *Northampt*, que come meſme ceſtui Abbe [que] rieus ne tient en *chief* du Roy, ne per *Barony*, mes en *pure & perpetuele Almoigne*, eſt Somonus per brief a ceo commun

q Among the ſummons that now remain, of thoſe that preceded the time of this caſe, (or of 12 *Ed.* 2.) the Abbot of Saint *James* by *Northampton* is found only in that of *Dorſ.* 49 *Hen.* 3. But the Roll here ſpoken of was ſome Regiſter of the names of the Lords of Parlament, which is not now extant unleſs you conceive it to have been the very cloſe roll of 12 *Ed.* 2. where indeed his name is. But that here mentioned it ſeems was ſome Regiſter of the names of ſuch as ought to be ſummoned as Lords, and a direction to the Clarks of the Petty bag, in making their Writs in that year; whereas that of 12 *Ed* 2. is a record only (as the reſt of the cloſe Rolls proportionably are) of ſuch Writs of Summons as had iſſued in that year. And the Abbots name was by order to be cancelled out of the Regiſter here mentioned. But in the cloſe rolls it remains uncancelled to this day.

r *Vocandums*

England. commun Parlement, jusque il mesmes ne nul de ses predeceſſours, unques avaunt ceux hures, au Parlement ne furent Somonus. E le nomme de voſtre dite Abbe eſt en roule en le Chauncelerie, hore de novele, entre les Prælati qui ſont Somonus a Parlement per la reſoun [f]q'il tiegnent en chief du Roy ou per Baronie, en pre judice & graunt perde de lui & voſtre maiſoun; dont le dit Abbee homblement prie a voſtre haute Seigneurie, qui eſtes ſeon Soverain et drein refut, qui pite vous pregne de voſtre pouere maiſoun et eyder voilley devers noſtre Seigneur le Roy & ſoun Conſail, qui voſtre Chapelayn & voſtre Maiſoun auandite ſoient deſore aleggiez de tiels Somonus a Parlement. E qui le noun del dit Abbe ſoit retient hors de les Roules de la Chauncelarie pur lamour de Dieu.

[f] *P. q'ils.*

Poſtea videbatur eidem Procuratori, quod ſi hujuſmodi billæ in Communi Concilio, executionem feciſſet, Crimen Scandali Domino Cancellario & Cuſtodi Rotulorum pro tali irrotulamento impoſuiſſet, ac idem Cancellarius & cæteri pro parte ſua fovenda & pro facto ſuo advocando dicerent quod idem Abbas juſte citatus fuerat & quod juſte citandus eſſet, unde inquiſitiones, dampna, & expenſæ & cætera multa pericula emergere poſſent. Hac de cauſa, dictus Procurator non deliberavit billam prædictam ſed aliam billam Domino Cancellario & ejus Clericis ordinavit & tradidit, cujus billæ tenor talis eſt.

Abbas *Sancti Jacobi* extra *Northampt.* irrotulatur de novo in Cancellario Domini Regis inter citandos ad Parlamentum, & non tenet *per Baroniam* nec de Rege *in Capite*; ſed tantum in puram & perpetuam eleemoſynam, & nec ipſe Abbas nec prædeceſſores ſui unquam in Cancellaria irrotulati [t] fuerunt, nec ad Parlamentum citati huc uſque, unde idem Abbas petit remedium.

[t] Yet the name of the Abbot is in the ſummons of 49 *Hen.* 3. as you ſee before in §. 24.

Ad cujus billæ executionem Dominus Cancellarius, cum ſuo Conſilio, de Cancellario ordinavit, quod nomen prædicti Abbatis à Regiſtro Cancellariæ deleretur, & ita pluribus circumſpectis, idem Abbas eſt abſolutus. Sed quia idem Abbas vel ejus ſucceſſores ad ſtimulationem aliquorum [u] *malivorum poſſent aliàs, per caſum, irrotulari & per conſequens citari, prædictus Procurator dictam exſecutionis formam propter evidentiam in Scripturam redegit.*

[u] *malignorum.*

Facta eſt iſta exſecutio per viſum Domini *Johannis* de *Otham* Epiſcopi *Flienſis*, Cancellarii Domini Regis Domini *Willielmi Dayermynne* tunc Cuſtodis Rotulorum, Domini *Roberti de Bardelby*, Magiſtri *Henrici de Clyff*, Domini *Rogeri de Sutton*, Magiſtri *Edmondi de London*, Domini *Galfridi de Welleford*, Domini *Roberti de Askby*, Domini *Ade de Brom*, Domini *Willielmi de Leyceſtre*, & aliorum Clericorum Cancellariæ & aliorum diverſarum Curiarum Domini Regis ac Regni, &c.

But this Abbots name yet remains upon the cloſe Roll [x] among the reſt that were ſummoned in that year. As alſo it doth (however it came to paſs) in a Summons of two [y] years after.

[x] *Dorſ. clauſ. 12 Ed. 2. membr. 11.*

[y] *Dorſ. clauſ. 14 Ed. 2. memb. 5.*

That other of the time of *Edward* the third, is the diſcharge of the Abbot of *Leyceſter* by this Patent becauſe he held not by Barony, and that his Predeceſſors had not been ſummoned continually, but *interpolatis vicibus* only, after the nine and fortieth of *Henry* the third, before which time none of them had been ſummoned.

Rex

England.

REx omnibus[y] *ad quos &c. Salutem. Supplicavit nobis dilectus nobis in Christo Abbas de* Leceſtria, *ut, cum Abbatia ſua prædicta per* Robertum Fitz Robert *de* Melan, *dudum Comitem* Leyceſtriæ, *fundata fuiſſet in puram & perpetuam eleemoſynam, & advocatio ſive patronatus ejuſdem ad manus Domini* H. *quondam Regis* Angliæ *proavi noſtri, per forisfacturam* Simonis *de* Monte Forti *tunc Comitis* Leyceſtriæ *& patroni ejuſdem devenerit, idemque Abbas aliqua terras ſeu tenementa de nobis per* Baroniam *ſeu alio modo non teneat, per quod ad Parlamenta ſeu Conſilia noſtra venire teneatur, nec aliquis prædeceſſorum ſuorum ante quadrageſimum nonum annum dicti proavi noſtri, poſt forisfacturam prædicti* Simonis (*quo anno omnes Abbates & Priores Regni noſtri* Angliæ, *ad Parlamentum ejuſdem proavi noſtri tunc tentum, voluntarie ſummoniti fuerunt*) *ſummonitus extiterit, velimus ipſum Abbatem de hujuſmodi adventu ad Parlamentum facto exonerari; Et quia viſis cartis & confirmationibus de terris et tenementis eidem Abbatiæ datis & conceſſis in rotulis Cancellariæ noſtræ irrotulatis compertum eſt, quod dicta Abbatia per prædictum* Robert Fitz Robert *de* Melan, *tunc Comitem* Leyceſtriæ, *fundata erat in puram & perpetuam eleemoſynam et non invenitur in rotulis prædictis, quod prædictus Abbas aliqua terras ſeu tenementa de nobis tenet per Baroniam ſeu aliquo alio ſervitio, nec quod prædeceſſores ſui Abbates loci prædicti ad aliqua Parlamenta progenitorum noſtrorum ante prædictum quadrageſimum nonum annum dicti proavi noſtri aut poſtmodum continuè, ſed vicibus interpolatis, ſummoniti fuerint; Nolentes ipſum Abbatem indebitè ſic vexari, conceſſimus pro nobis & hæredibus noſtris quod idem Abbas et ſucceſſores ſui de veniendo ad Parlamenta et Conſilia noſtra vel hæredum noſtrorum de cætero quieti ſint et exonerati imperpetuum, ita ſemper quod dictus Abbas et ſucceſſores ſui in procuratores ad hujuſmodi Parlamenta et Conſilia per Clerum mittendos conſentiant et ut moris eſt expenſis contribuant eorundem. In cujus &c. Teſte Rege apud* Weſtmonaſterium XV *die* Februar. *Per petitionem de Parlamento.*

[y] *Pat. 26 Ed. 3. part. 1. m. 22.*

The Parliament wherein this was obtained, was ſummoned by Writs dated 15 *Novembris* 25 *Ed.* 3. to ſit upon Saint *Hillarie*'s day following (which is the 13. of *January*) and the 15. of *February* following (in the 26 year; his Reign beginning the 25. of *January*) this grant is dated. And in the cloſe Roll of that Summons of 25 *Ed.* 3. the Abbot's name is cancelled, and thoſe words written at it which are before

England. before [u] noted, and that by reason of this Charter. Yet in 27 *Ed.* 3. the Abbot of *Leycester* is summoned to that great [x] Councel held in that year at *Westminster*. The Abbot that procured this Patent of discharge, was *William de Clown*. And *Henry* of *Knighton* a Canon of the same Abbey speaking of him, remembers it. *Cartam*, saith he, *de non veniendo ad Parlamentum pro se & successoribus suis de Rege adquisivit.* And to this of their having Baronies, belongs that protestation in behalf of the Abbots, Priors, Bishops, and other Prelates of the Province of *Canterbury* made, under *Richard* the second, where the words are, *De jure & consuetudine Regni* Angliæ [y] *Archiepiscopum* Cantuariensem, *qui pro tempore fuerit necnon cæteros Suffraganos, Comfratres, & Compatres*, Abbates & Priores *aliosque Prelatos quoscunque* per Baroniam de Domino Rege tenentes *pertinet in Parlamentis Regiis quibuscunque, ut pares Regni prædicti personaliter interesse ibidemque de Regni negotiis ac aliis tractari consuetis cum cæteris dicti Regni Paribus, & aliis ibidem jus interessendi* habentibus, consulere, & tractare, *ordinare, statuere, & deffinire ac cætera facere quæ Parlamenti tempore ibidem in-venient facienda.* And that [z] treatise *de modo tenendi Parlamentum, ad Parlamentum summoniri & venire debent Archiepiscopi, Episcopi, Abbates, Priores, & alii Majores Cleri qui tenent per Comitatum aut Baroniam ratione hujusmodi tenuræ & nulli minores nisi eorum præsentia & adventus aliunde quam pro tenuris suis requiratur.*

u c.23.
x Dors. Claus. 27 Ed.3. m.12.
y Rot. Parl. 11 Rich.2.part. 1. m.2.art.34. Habetur item in Regist. Ms. Courtney Archiepiscopi fol. 174 a. Vide item Stamford in Placit. Coron. lib.3.cap.1.
z Ms. & Regist. Ms. Arundel. Archiepisc. Cant.part.1. fol.561.

XXV. The next particular concerning Barons here, is that of the title of *Banneret* given to some temporal Barons, as if it were in them a synonymie or an equivalent name to Baron. That which concerns that name of Banneret, as it signifies in *Knight Banneret*, is anon shewed where we speak of the orders of Knighthood in *England*. But here the notion of the word is only as it expressed a Parlamentary Baron. In the proceeding against *John de Comeniz*, and *William de Weston* in the first Parlament of *Richard* the second, it is said that the Lords of the Parlament, that is, the King of *Castile* and *Leon*, Duke of *Lancaster*, *Edmond* Earl of *Cambridge*, and divers other Earls and Barons there mentioned by name, & [a] *plusours autres Seigneurs Barons & Bannerets esteants au dit Parlament assemblez* had took advice touching the answers of the defendants. And whereas in the statutes of the same King; as we read them in English, Every Archbishop, Bishop, Abbot, Prior, Duke, Earl, Baron, *Baronet*, Knight of the Shire, &c. are commanded under pain [b] of amerciament or other punishment according to antient use, to appear in Parlament; the *French*, both of the Roll and of those Books that are truly printed, hath Banneret, and some by a little mistaking Barneret for the same word. As when mention is in the old stories of Knight Banneret, the word *Baronet* (which runs easier from the tongue) is often for *Banneret*; so fell it, not only in the English Print of our statutes, but also in a report of a case that is of a later time than that to which our present division yet confines us, that *Baronet* (for *Banneret*) is likewise used for a Baron. For in an attaint under *Henry* the sixt, [c] one of the Jury challenged himself because his Ancestors had been *Baronets and Seigneurs des Parlaments.* I cannot doubt but that the title of Banneret in this sence was meant there, and also that the same conception of the word was in the challenge made under *Edward* the third, of one of the grand Assise, because he was *a Banner* (as the book at large [d] saies) or a *Banneret* as

a Rot. Parl. 1 Rich.2.m.6.
b Stat. 2,5 Rich.2 cap 4. videsis item Thomam Walsingham pag. 359. Ed Franc. & Rot. Parl. 1 Hen 4.membr. 16.n 59. de Bannerettis quibus plane eo nomine sedes & vox inter Proceres Regni erat.
c 35 Hen6. fol.46.a.tit. Challenge 44.
d 12 Ed.3.fol. 18. a.

it

it is in *Fitsherbert.*[e] There was no colour why the title of Banneret, in that notion as it signifies a Knight Banneret only, should be any cause of challenge. Therefore I see no reason why we should think that it was used there in that sence. But indeed it is disallowed (although the matter of the challenge were just) because it was not legally made. That is, it did not legally appear upon the challenge to the Court, that he was a Baron or Banneret of Parlament which should have been certified to them by record, as it was resolved[f] also in that case under *Henry* the sixth. I know the answer given in the book is, that although he be a Banneret and hold not by Barony he should be in the assise. But I understand that as if the Court had said. The saying that he is a Banneret is not cause enough of challenge, unless withall it be legally shewed that he be a Baron of Parlament. For *tenere per Baroniam* was an obvious phrase of those times, deduced from more antient use to denote the *being a Baron*, though in truth there were no necessity that a Baron must hold[g] by Barony, because he might be by Writ only. And to this use of the Word, we have much light also from that Writ whereby the Lord *Camoys* under *Richard* the second, was discharged from being Knight of the Shire of *Surrey* (though he had been chosen) because he, as also many of his Ancestors had been Bannerets, and it had not been before in use to chuse such kind of Bannerets, Knights of the Shire. This[h] was the Writ.

England.

e *Tit. Challenge* 119.

f *Videsis Coke lib. 6. fol. 53 & Regist. Orig. fol. 179. & Fitzh. Nat. Br. fol. 165 E.* and 48 *Assis. plac. ult.*

g *Videsis* 48 *Ed. fol. 30. b.* 48 *Assis. fol. ult.*

h *Claus. Do. 7 Rich. 2. m. 32.*

REX *Vicecomiti* Surriæ, *salutem: quia ut accepimus tu* Thomam Camoys Chivaler, *qui* Banneretus *est, sicut quamplures antecessorum suorum extiterint, ad essendum unum militum venientium ad proximum Parlamentum nostrum, pro communitate Comitatus prædicti, de assensu ejusdem Comitatus, elegisti; Nos advertentes, quod* hujusmodi Banneretti, *ante hæc tempora, in milites Comitatus, ratione alicujus Parlamenti eligi minimè consueverunt, ipsum de officio Militis ad dictum Parlamentum pro Communitate Comitatus prædicti, venturi, exonerari volumus; Et ideo tibi præcipimus quod quendam alium militem idoneum & discretum, gladio cinctum loco ipsius* Thomæ *eligi & eum ad diem & locum Parlamenti prædicti venire facias, cum plena & sufficienti potestate ad consentiendum his quæ in Parlamento prædicto fient juxta tenorem primi brevis nostri tibi pro electione hujusmodi militum directi, & nomen ejus nobis scire facias. Teste Rege apud* Westmonasterium *octavo die* Octobris.

Neither may this Writ be understood of any other Banneret than a Parlament Baron, or Banneret of that time. The expression of *hujusmodi Banneretti* shews that it is not meant of all Bannerets, but such only as have the title either by inheritance or in such a kind as that an inheritance might be of it; which is apparant also by the preceding words, in the Writ, *Bannerettus est sicut quamplures antecessorum suorum extiterint.* For it was never conceived that the title Banneret, as

England. it denotes a Knight Banneret, was hereditary. And, in truth, it is plain that one *Thomas Camoys* (who doubtleſs was the ſame man) was a Baron and Peer of that [i] Parlament. And many of his Anceſtors before him, had likewiſe been Peers. For though the name of a *Camoys* occurr not in the Summons for the ſpace of about fifty years before the time of this Writ, yet from the eighth year of *Edward* the ſecond, to the ninth of *Edward* the third, there is ſcarce a Summons without one of the name. In that year of *Edward* the third, the name of *Ralfe de Camoys* is in the Summons, [k] as it is alſo frequently before. And ſome of the name alſo are in much antienter Liſts [l] of the Barons of thoſe elder ages. But after the ninth of *Edward* the third, the name by reaſon of nonage or ſome other cauſe was omitted till this ſeventh year of *Richard* the ſecond, and (as it ſometimes happens) the dignity, it ſeems, being obſcured by abſtinence from the name of *Lord* or *Baron*, the Free-holders of *Surrey* choſe him a Knight of their Shire after which, according to his anceſtral right, he being ſummoned to Parlament, there was a neceſſity to diſcharge him; which was done under the name of Banneret and not Baron, it ſeems (according to the fancy of that time) becauſe he had not a Barony, or held not *per Baroniam*. For about the end of *Edward* the third, if I be not much deceived, one of his Anceſtors, being alſo *Thomas de Camoys*, is found by office [m] to have died ſeiſed without holding any thing of the King. In *Surrey* and *Suſſex* was the uſual dwelling and poſſeſſions of theſe Lords of *Camoys*. But ſome learned men alſo affirm [n] that *Broadwater* a town near the Sea in *Suſſex*, was from *Edward* the firſt's time the Barony of theſe Lords. But in that office I ſpeak of, this *Broadwater* is held of the honor of *Brember*, and of a ſubject, which could not have been if then it had been a Barony. But I think this here noted is enough to perſwade us that *Thomas Camoys* the Banneret in the Writ before cited, was no other than the Lord *Camoys* of that time, whoſe Anceſtors were Barons likewiſe as the Rolls clearly inform us.

i *Dorſ. cl.* 7 *Rich.* 2. *m.* 10, & 37.

k *Dorſ. clauſ.* 9 *Ed.* 3. *m.* 28.

l *Dorſ clauſ.* 49 *Hen.* 3. *m.* 11. *in ſchedula*

Pat. 5 *Ed.* 1. *Dorſ.* 12. & *in Rot. Scutagii ejuſdem anni, &c.*

m *Eſcaet.* 46 *Ed.* 3. *num.* 15. *apud* Stening *in* Suſſex.

n *Camden. in Brit. pag.* 223.

This uſe of the name of Banneret proceded, it ſeems, from the French uſe of it, and the right alſo which was ſo proper to a Baron to advance his Arms in a ſquare Enſign or a Banner; whereof before in the dignities of *France*.

XXVI. It reſts that we come to the conſideration of that common opinion, touching a Barony conſiſting in antient time of thirteen Knights fees and a third part. This I ſee hath much poſſeſſed ſome very learned men. But without any other ground than the miſtaking fancy of him that wrote the Treatiſe *De modo Tenendi* [o] *Parlamentum*. The paſſage in that Treatiſe to this purpoſe hath theſe words; *Item ſummoniri & venire debent ad Parlamentum*) *omnes & ſinguli Comites & Barones, & eorum Pares, ſcilicet illi qui habent terras & redditus Comitatus integri, videlicet* XX *feoda unius militis, quolibet feodo computato ad* XX *libras quæ faciunt quadringentas libras in toto, vel ad valentiam unius Baroniæ integræ, ſcilicet* XIII *feoda & tertiam partem unius feodi militis, quolibet feodo computato ad viginti libras quæ faciunt in toto quadringentas marcas, & nulli minores laici ſummoniri & venire debent ad Parlamentum ratione tenuræ ſuæ niſi eorum præſentia aliis de cauſis fuerit utilis vel neceſſaria ad Parlamentum*. Here we ſee a whole Barony is clearly ſuppoſed to have been thirteen Knights Fees and a third part, and an Earldom twenty Knights Fees, both which were firſt invented (for ought

o *Ms.*

I have

I have obſerved) by the author of this treatiſe together with that of the eſtimation of a Knights fee by twenty pound rent, as alſo of *Pares Baronum* for a diſtinct dignity from Barons which we ſhall preſently ſhew to be mere miſtakings as ſoon as we have ſpoken ſomething of the time to which the Treatiſe is to be referred. The title that commonly is prefixed to it, referrs it to the time of the end of the *Saxons* or to the coming of the *Normans*. *Hic diſcribitur modus* (ſo are the words) *quo Parlamentum Regis* Angliæ & Anglorum *ſuorum tenebatur tempore Regis* Edwardi *filii* Ethelredi *Regis, qui modus recitatus fuit per diſcretiores coram* Willielmo *Duce* Normannorum *Conqueſtore & Rege* Angliæ, *ipſo Conqueſtore hoc præcipiente & per ipſum approbatus & ſuis temporibus & etiam ſucceſſorum ſuorum Regum* Anglorum *uſitatus*. And before an extract of the beginning of it which concerns the ſummoning of the Prelates and Clergy (as I find it tranſcribed by a hand of about *Henry* the fifth, into one of the Regiſters[p] of *Arundel* Archbiſhop of *Canterbury*) there is this title with expreſs reference to the Rolls of thoſe times, as if the work had been taken out of them. *De modo convocandi Clerum* Angliæ *ad Parlamentum Regis* Edwardi *filii* Ethelredi *Regis qui modus fuerat intimatus* Willielmo *Conqueſtori & per eundem obſervatus prout patet in rotulis dictorum Regum ſuper inde confectis*. If we could have believed theſe prefixed titles we muſt have uſed the Treatiſe for a teſtimony of the Earls and Barons, or Thanes of the *Saxon* times, and of the beginning of the *Normans*. But the vanity of it ſeemed ſuch as that we thought fitteſt to leave it for this place, ſo to ſpeak of it by it ſelf, as an impoſture of ſome bold fancy. For it will appear no better, if we examine the time when the author of it lived, and the matter of it. Firſt for the time when the author of it lived; mention in it of the *Juſticiæ de Banco*, of the *Capitalis Juſticiarius qui tenet placita coram Rege*, and the Barons of the Exchequer ſo ſeverally, beſides the language throughout it, and that occurrence of *Comes Seneſcallus*, *Comes Conſtabularius*, *Comes Mareſcallus*, and divers more Characters that remain in it ſhew plainly enough that it was firſt written ſome Ages (at leaſt) after the coming of the *Normans*, of which I think no man doubts that hath read it. And for my part, I cannot yet believe that it is antienter than about the time of *Edward* the third. Divers copies I have ſeen of it but never any which exceded that age. And the language and context perſwade me alſo to that belief. Then for the matter of it ſo referred in the title to the *Saxon* times and the coming of the *Normans*; what taſte or colour is there either in the many ſtories, laws or other memories of thoſe times, that the Biſhops, Abbots, and Priors held Knights fees under *Edward* the Confeſſor, or the ſon of King *Ethelred* as he is called in the title? Nor indeed any of them were then as Barons by tenure, in Parlaments or Pitenagemotes but as Prelates only, which is before ſhewed. Nor doth this termination of the quantity of an Earldom or Barony agree with any that occurrs in the *Saxon* times. And in the times that followed the *Normans* (for ſo the title leads us on, as if the ſame ſtate of Barons had been and continued from *Edward* the Confeſſor, and *William* the firſt into the Reigns of their ſucceſſors) what colourable teſtimony is there in any record, ſtory, or Law, that ſo much as ſeems to juſtifie this number of Knights fees in the making of Earldoms or Baronies? In truth the contrary appears plainly. *Jefferey* Lord *Talbot* held twenty Knights fees in

England.

[p] *Regiſt. Archiepiſcopi Arundell Cant fol. 561. part. 1.*

England. chief of *Henry* [q] I, the ſame that afterward *Walter de Meduana* held likewiſe of *Henry* the ſecond. Yet neither of theſe were ever accounted to have had Earldoms. The ſame may be ſaid of *John de Port* [r] in the ſame time, that held fifty ſeven Knights Fees, and of *Walter de Wahull* that held thirty [s] and divers ſuch more as appears in the Records of the Exchequer, where ſome alſo have fewer Knights Fees than thirteen, and yet are equally Barons with the reſt. And of the Earls, moſt had more than twenty Knights Fees, none of which yet had from any number of thoſe Fees in his Honor, more than one entire Earldom. And *Gefferey Fitz Peter*, Earl of *Eſſex* (from whom *Humfrey de Bohun* derived his title to that Earldom) under King *John*, held his Earldom [t] as ſixty Knights Fees, and *Aubrey* Earl of *Oxford*, as 30 ½. Yet never any man thought that therefore either of theſe had by reaſon of thoſe numbers above one whole Earldom. Whereas the ſixty Fees muſt by the account in the *Modus tenendi Parliamentum* have made three Earldoms, and the thirty and an eighth part, above one and a half, which never any man dream'd of before the Author of this Treatiſe nor any ſince, but ſuch as are deceived by him. And for that Earldom of *Eſſex* being but one entire Earldom; you may ſee the example before brought [u] of it touching the relief payable upon it. The Abbot alſo * of *Abingdon* antiently held by the ſervice of thirty Knights Fees for Caſtle gard at *Windſor*, of which four were to go upon Summons with the King in his Army, the Abbot of *Eveſham* by the ſervice of four and a half only, the Prior of *Coventry* of ten, the Biſhop of *Chicheſter* of one and a half, yet they (as other like) were Barons by tenure without reference to any certain number. And upon the Summons of all the Barons, under *Edward* the firſt, [x] to *Worceſter* for an expedition againſt *Wales*, divers of them came before the Conſtable and Marſhal of *England* preſenting (as they ought) their ſervices, by which we may eaſily know how, at that time, they held, and how many Knights Fees, or by how many Knights ſervices (which is all one.) Some few examples we thence add here;

Rogerus * *de Clifford junior qui duxit in uxorem primogenitam filiam & hæredem* Roberti *de* Veteri ponte *recognoſcit ſervitium* II *feodorum militum & dimidii, pro* medietate Baroniæ *de* Weſtmerland; *& faciet ſervitium per ſeipſum &* Thomam Boter *milites, &* Alanum Boter *ſervientem.*

Rogerus de Leyburn *qui duxit in uxorem alteram filiam & hæredem* Roberti de veteri Ponte, *recognoſcit ſervitium ſuum* II *Feodorum militum & dimidii pro altera* medietate Baroniæ *prædictæ, & faciet ſervitium per ſeipſum*; Johannem de Leyburn, Willielmum de Iſfeild, Robertum de Kirkeby, & Petrum de Camera *ſervientes.*

Petrus Corbet [y] *recognoſcit ſervitium* V *Feodorum militum pro* Baronia *de* Kaus; *faciet per ſeipſum &* Robertum Corbet *militem & per* Thomam de Radeſbergh, Richardum de Hop, Rogerum de Eiton, Robertum de Frankton, Adam Haghe, Willielmum de Baneres *ſervientes.* Mauricius de Berkeley *recognoſcit ſervitiũ* III *feodorũ militũ pro* Baronia de Berkley *faciet per ſeipſũ*, Thomã de Berkley, *et* Williel. Manſel *milites.*

So *Bigod* then Earl of *Norfolk*, *recognoſcit ſervitium* V *feodorum militum pro hæreditate ſua Comitatus Norfolk*, and divers more ſuch occurr there, as alſo the ſervices or tenures of the Eccleſiaſtical Barons diſtinguiſhed by their number of Knights without any colour of reference to thirteen Knights fees, and ⅓. And it is conſtant through that

[q] *Certificat. factæ de feodis militum ſub Henrico 2. in Lib. Rub. Scac. Ms. fol. 84. Kent.*

[r] *Ibid. pag. 85. Hantſhire.*

[s] *Ibid. fol. 103. Bedfordſhire.*

[t] *Inquiſ. 12, & 13 Joh. R. dict. lib Rub. Scacc. fol. 134. & vide ſis Camd. Brit. pag. 221. de Comitatu Arundell. & Comman. ex part. Revi. Th. ſ Hill. 7 H. 4. Rot. 4.* tenet quartam partem honoris de Arundel per ſervitium quatuor feodorum militum &c. *de quo Comitatu vide porro Eſſ. 30 Ed. 1. n. 30 & 4 Ed. 3. n. 38 u §.*

* *Rot. Finium 42 H. 3. m. 10. m. Schedula appenſente.*

x *Rot. Scutag. 5 Ed. 1.*

* *Ibid. mem. 4.*

y *Membrana 3 ejuſmodi aliæ habentur in Rotulo Miſcellaneæ anno 10 Ed. 1.*

that Roll, (which by the way is very obſervable) that they either ſerve by Knights (according to the ſeveral numbers) or elſe by two *ſervientes* inſtead of every Knight. Touching *ſervientes*, more anon, where we ſpeak of Eſquires. The teſtimonies of this kind are infinite, but we conclude here, with that of *Nigellus*, or *Neal* Biſhop of *Ely* Lord Treaſurer to *Henry* the firſt, to the Abbot of *Ramſey*, by which he acknowledged that the Abbot (who was plainly a Baron) held but by the ſervice of four Knights. N. *Elienſis Epiſcopus venerabili fratri & amico* W. *Rameſiæ Abbati, ſalutem. Sciatis quod ubi Richardus Clericus reddidit computum de Scutagio militum veſtrorum ad Scaccarium, Ego teſtificatus ſum vos* non debere pluſquam quatuor milites *& pro tantum quieti eſtis & in Rotulo ſcripti. Vale.* This occurrs in the Book [z] of *Ramſey* in the Exchequer. But for that paſſage in the *Modus tenendi Parlamentum*; what other antient occurrence is any where that preſerves this diſtinction of *Comites & Barones*, from ſuch as were *Pares Comitibus & Baronibus*, [a] by reaſon of holding entire Earldoms or Baronies, and yet had not the title of Earls or Barons? Nay, where appears it antiently that a Knights Fee was twenty pounds revenue? It is true that men who had twenty pounds revenue, were often diſtrained or ſummoned [b] to take the order of Knighthood. But alſo ſometimes men of leſs revenue, ſometimes by reaſon of more, were likewiſe called to the ſame dignity. And land of the yearly revenue of twenty pounds held in ſocage, is made equivalent by the ſtatute of Aid under [c] *Edward* the firſt, to a Knight's Fee. But what doth either of theſe concern the legal value of Knights Fees which were never in truth eſtimable either by any certain number of acres or quantity of revenue (though ſome have erroneouſly determined them by both) but only by the ſervices or number of Knights reſerved. And doubtleſs this error touching the juſt value of a Knight's Fee was the principal ground work to that vain ſuperſtruction of the certain values and quantities of Earldoms and Baronies. For that being firſt ſuppoſed to be the juſt value of a Knight's Fee, the Author (that uſed his own fancy alſo enough in other things comprehended in his Treatiſe) obſerving alſo truly that Earldoms and Baronies conſiſted for the moſt part of Knights Fees, fell to, if I be not deceived, a miſtaking in his rules of proportion, thus. As the relief of a Knight's Fee to a Knight's Fee, ſo the relief of an Earl and of a Baron to an Earldom and Barony. But the relief of a Knight's Fee is the fourth part of a Knight's Fee (which is true if a Knight's Fee were meaſured by twenty pounds revenue) therefore are the Reliefs of Earls and Barons, the fourth part of their Earldoms and Baronies. Now the Relief that was ever ſince the grand [d] Charter ſetled, hath been for an Earl having a whole Earldom, a hundred pounds, and for a Baron having a whole Barony, a hundred marks; whence it eaſily followed that therefore a whole Earldom was four hundred pound revenue, and a whole Barony four hundred marks. But this kind of account was groſly erroneous. For until the grand Charter ſetled (and the moſt of the time that can be meant by the title of that Treatiſe falls before the ſetling of that Charter) the Relief of Earldoms and Baronies were wholly uncertain, as is already ſhewed; ſo that then there could not have been any ſuch argument drawn from their proportion. But the Author here being over-willing to ſeem to know what an Earldom and a Barony were, thus deceived himſelf and many more that with ſo eaſie belief

England.

z Ms. Fol. 58. & 59.

a *Mod. tenend. Parl.* loco citato & cap. *de pœna ſummonitionis.*

b *Vide ſis ſtat.* 1 *Ed.* 2. *de militibus.*

c *Weſt.* 1. *cap.* 36

d *Mag. Chart. cap.* 2.

have

England. have ſo eaſily and commonly received for truth, the miſtaking of his fancy. It may be divers things in that *Modus* (and among them ſome that differ much from the preſent and later ages) were agreeable to the antient Parlaments. But doubtleſs ſome particulars are directly contrary to the known and received Parlamentary uſe from antient time, as for example, the placing of the Archbiſhops and Biſhops of the two Provinces, one on the right hand, the other on the left of the King, and the ſuppoſition of the Barons of the Cinque Ports to be equal in matter of amerciament to a Baron of the Kingdom. And ſome ſuch more occurr in it. And the ſame that is ſaid of the credit and authority of this *Modus* may be likewiſe ſaid of that which was found in a Parchment Roll with Sir *Chriſtopher Preſton*, at *Clane* in *Ireland* under King *Henry* the fourth; not much differing from this uſual *Modus tenendi Parliamentum* in *England*. Only that is made proper for *Ireland*, and ſuppoſed to have been ſent thither by King *Henry* the ſecond, when he conquered the Iſland, for a direction to hold their Parlament. But the ſence of it is for the moſt part juſt like that whereof we have ſo many Copies for *England*. It was, as I have heard, exemplified by *Inſpeximus* under the great Seal of *Ireland*, by the Lord *Talbot* Lieutenant of *Ireland*, under *Henry* the fourth. And I had from my worthy friend Mr. *Hackwell* of Lincolnes Inn, the uſe of a Copy of the exemplification, that was tranſcribed out of it when heretofore the exemplification it ſelf under ſeal was in his hands. The ſtile of it goes thus;

Henricus *Dei gratia Rex* Angliæ, & Franciæ, & *Dominus* Hiberniæ, *Omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus tenorem diverſorum articulorum in quodam Rotulo pergamenæo ſcriptorum cum* Chriſtophero *de* Præſton *milite tempore arreſtationis ſuæ apud villam de* Clare, *per deputatum dilecti & fidelis noſtri* Johannis Talbot *de* Balomſhire Chivaler *locumnoſtrum tenentis terræ noſtræ* Hiberniæ, *nuper factæ inventorum ac coram nobis & Conſilio noſtro in eadem Terra noſtra apud villam de* Trim, *nono die* Januarii *ultimo præterito in hæc verba,* Modus Tenendi Parliamenta.

Henricus *Rex* Angliæ, *Conqueſtor & Dominus* Hiberniæ *mittit hanc formam Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Majoribus, Præpoſitis, & omnibus fidelibus ſuis terræ* Hiberniæ *tenendi Parliamentum.*

Inprimis ſummonitio Parliamenti præcedere debet per quadraginta dies &c.

And then follows the moſt of the particulars that occurr in the ordinary *Modus* for *England*, fitted to *Ireland*; and among them, that eſpecially of the eſtimation of Earldoms and Baronies by the number of Knights Fees. And ſome few other things alſo being added of grand Councels, of the difference between an Ordinance and a Law, and of the Oath at the Coronation; it is concluded with, *Nos autem tenores articulorum prædictorum de aſſenſu præfati Locum tenentis & Conſilii prædicti tenore præſentium duximus exemplificandum* [&] *has literas noſtras fieri fecimus patentes. Teſte præfato locum noſtrum tenente apud* Trim XII *die* Januarii *Anno Regni noſtri ſexto.*

Per ipſum Locum tenentem & Conſilium.

But whoever was the Author of this Iriſh *Modus*, I think doubtleſs, took it out of this other whereof we have ſo many Copies in *England*,

land, and ſo fitted it to that Kingdom, not only in the ſuppoſed Parlamentary forms, but alſo in the title, that it might have every way like relation to *Ireland* as the other to *England*. For as that of *England* is ſuppoſed to have been declared before King *William*, and allowed by him at his conqueſt, ſo this alſo by *Henry* the ſecond at his of *Ireland*. But I cannot believe that either of them were ſo antient as *Henry* the ſecond. His ſtile in it agrees not with any that I have ſeen of him. Nor before King *John*'s time were Sheriffs and other Officers and dignities (according to the Engliſh pattern) ſo ſetled there that thoſe dignities and offices to whom (even as at this day the uſe is) the *Inſpeximus* is directed, could have had ſuch place in it under *Henry* the ſecond. But this by the way. And hitherto of Barons in the time between the later end of King *John*, and the middle of *Richard* the ſecond. *England.*

XXVII. From the middle of *Richard* the ſecond to this day we have had a third kind of Barons, then firſt added to thoſe two before ſhewed, or to the Barons both by writ and tenure, and thoſe by writ only. That is, Barons made by Letters Patents. The two firſt kinds and the uſe of making new by writ ſtill continue. Neither need we in this part of time ſay more of them than only ſhew the form of the writ that makes thoſe that are by writ only, and calls the reſt, adding ſomething of the ſpiritual Barons that were Regular (for what concerns the reſt is well enough known) which done, we conclude with the Creation of Barons by Patent.

Touching the form of the writ, we obſerve the body of that form, and the ſtile given to the perſons called by it. That form already ſhewed to the Spiritual Barons that were ſecular, continued till about the end of *Richard* the ſecond, when that clauſe *Ne, quod abſit, per veſtri abſentiam &c.* to *differatur* began to be omitted. And the ſame form to *Nullatenus omittatis. Teſte &c.* was to the Regular Barons, as alſo to the Temporal. Only *Ligeancia* is uſed to the Temporal for *dilectione*, as it is to this day. Nor is there almoſt any difference between the ſyllables of the writs of the former times of this laſt part of our diviſion (after the omiſſion of that clauſe) from thoſe that are uſed at this day. The Spiritual Barons at this day (being all ſecular, or Biſhops) are called by this form.

REX *&c. Reverendiſſimo in Chriſto Patri Prædilectoque & fideli Conſiliario noſtro* N. *eadem gratia Archiepiſcopo* Cantuarienſi *totius* Angliæ *Primati & Metropolitano ſalutem. Quia de aviſamento & aſſenſu Conſilii noſtri pro quibuſdam arduis & urgentibus negotiis nos ſtatum & defenſionem Regni noſtri* Angliæ *& Eccleſiæ* Anglicanæ *concernentibus quoddam Parliamentum noſtrum apud Civitatem noſtram* Weſtmonaſterii (ſuch a day and year) *teneri ordinavimus & ibidem vobiſcum ac cum cæteris Prælatis Magnatibus & Proceribus dicti Regni colloquium habere & tractatum, vobis ſub fide et dilectione quibus nobis tenemini firmiter injungendo mandamus quod conſideratis dictorum negotiorum*

England. *gotiorum arduitate et periculis imminentibus, ceſſante excuſatione quacunque dictis die et loco perſonaliter interſitis nobiſcum ac cum Prælatis, Magnatibus, et Proceribus prædictis ſuper dictis Negotiis tractaturi, veſtrumque Conſilium impenſuri et hoc ſicut nos et honorem noſtrum ac ſalvationem et defenſionem Regni et Eccleſiæ* Anglicanæ *expeditionemque negotiorum prædictorum diligitis, nullatenus omittatis. Præmonentes Decanum et Capitulum Eccleſiæ veſtræ* Cantuarienſis *ac Archidiaconos totúmque Clerum veſtræ Dioceſios quod iidem Decanus et Archidiaconi in propriis perſonis ſuis ac dictum Capitulum per unum, Idemq; Clerus per duos Procuratores idoneos plenam et ſufficientem poteſtatem ab ipſis Capitulo et Clero conjunctim et diviſim habentes, prædictis die et loco interſint ad conſentiendum hiis quæ tunc ibidem de communi Conſilio dicti Regni noſtri divina favente clementia contigerint ordinari. Teſte meipſo, apud &c.*

The Temporal Barons have the ſame form (excepting *ligeancia* for *dilectione*) to *nullatenus omittatis. T. &c.* But all this is ſpoken of the ordinary Writs of Summons. For it hath been ſometimes in example, to add a limitation of the eſtate in the dignity of Barons to the reſt of the Writ by which a Baron hath been created. So was it done in the Writ that created Sir *Henry de Bromflet* Baron of *Veſcy*, under *Henry* the ſixth. After *Nullatenus omittatis*, follows this clauſe [a] *Volumus enim vos & hæredes veſtros maſculos de corpore veſtro legitimè exeuntes Barones de* Veſcy *exiſtere. Teſte &c.*

a *Dorſ Clauſ. 27 H.6.m.24.*

For the ſtiles given to the Barons in theſe Writs; The Spritual Barons have the title of their Eccleſiaſtical dignities, and the addition of Privy Counſellor or the like as the caſe falls out. So have the Temporal alſo, of whom ſome as is before [b] noted have had the name of Baron given to them. But that was rarely uſed; and at this day it is not given to any in the Writ. Divers were antiently ſtiled by their Chriſtian names or ſurnames or Baronies or both, and very frequently the addition of *Chivaler* or *Militi* was given them; and divers alſo after the addition of *Chivaler* were ſtiled Lords with an addition of that whereof they are called Barons, by *Dominus de N.* As *Jacobo Beauchamp militi Domino de Beauchamp*, and the like, as alſo without *Militi*, as *Thomæ Domino de Ros* and ſuch more. But about *Henry* the eighth, it came into uſe to ſtile them all *Chivalers*, whether they were Knighted or not, which is alſo continued and in practice to this day. And after their ſurnames their titles of that whereof they are ſtiled Barons uſually precedes *Chivaler*; both in Writs of Summons upon former right, and in Writs of Creation. For Regularly they differ not in any thing but that the Writ of Creation (which firſt, ſo calls any man to the Parlament) makes a Baron, and the ſelf-ſame iterated calls him to other Parlaments afterward. But amongſt them there is a ſingular form of ſtile to the Lord *de la Ware*. In the later part of *Richard* the ſecond, in *Henry* the fourth, *Henry* the fifth, and part of *Henry* the ſixth, the ſtile is *Magiſtro Thomæ de la Ware*. The reaſon, they ſay,

b §.16.

is

is becauſe he was a Clergy man; and that before the title deſcended on him. And I remember in the proxie bundle of the fifth of *Henry* the fifth, he makes *John*, *Franke*, and *Richard Hulme* Clarks his proxies alſo, as the uſe of that time was for Lords that were ſpiritual perſons. *England.*

The Regular Barons of this time (to go on with them where we before left) were uſually to the Diſſolution of Monaſteries under *Henry* the eighth, the ſame great Abbots (with the Priors of St. *John*'s, and of *Coventry*) that are before noted. But in the fifth of *Henry* the fourth, the Prior of Chriſt Church [c] in *Canterbury* is again ſummoned alſo among them. But he occurrs no more in the following Summons. But the number ſoon grew fixt to twenty five Abbots, and thoſe two Priors. The Abbots were of

[c] *Clauſ. 5 Hen. 4. part. 2. m. 4. Dorſ.*

1 Saint *Alban*'s.	13 *Abingdon.*
2 *Glaſtenbury.*	14 *Waltham.*
3 Saint *Auguſtine*'s of *Canterbury.*	15 *Shrewsbury.*
4 *Weſtminſter.*	16 *Glouceſter.*
5 Saint *Edmund*'s *Bury.*	17 *Bardeney.*
6 *Peterborough.*	18 Saint *Benet* of *Holme.*
7 *Colcheſter.*	19 *Thorney.*
8 *Eveſham.*	20 *Ramſey.*
9 *Winchelcomb.*	21 *Hide.*
10 *Crowland.*	22 *Malmesbury.*
11 *Battaile.*	23 *Cirenceſter.*
12 *Reding.*	24 Saint *Mary* of *York.*
	25 *Selby.*

And theſe with thoſe two Priors were the Regular Barons till the fifth of *Henry* the eighth, when the [d] Abbot of *Taviſtock* in *Devonſhire* was added to them by Creation by Patent, the form whereof is anon inſerted. After the diſſolution of Monaſteries in 31 *Hen.* 8. during his Reign and the Reign of King *Edward* the ſixth, no Regular Baron was acknowledged here. But under Queen [e] *Mary*, and for ſome time in the firſt Parlament of Queen *Elizabeth*, The Prior of Saint *John*'s, and the Abbot of *Weſtminſter* were ſummoned as Barons again. But there was ſoon an end of them alſo in that Parlament of Queen *Elizabeth*. And we come next to the Creation of Barons by Letters Patent.

[d] *Ita recte cæpiendi Camden. in Brit. pag. 123 & Clem. Reyner. in Appendice ad Apoſtolat. Benedict. pag. 150.*

[e] *Diarium Parl. 4, & 5 P. & Mar. 7, & 8. Martii ſummonitio ejuſdem anni, & Diarium Parl. 1 Elizab.*

XXVIII. The Creation of Barons, into that title expreſly by Patent, began in the eleventh year of *Richard* the ſecond. And the following examples of it have been very numerous. And I remember one example of a Spiritual Baron thus alſo created. The firſt Temporal Baron thus created was *John de Beauchamp*, Steward of the houſhold, to *Richard* the ſecond, who was made by this Patent one of the Peers and Barons of the Kingdom, and to be ſtiled Lord of *Beauchamp*, and Baron of *Kiderminſter* to him and the heirs [f] males of his body.

[f] *Pat. 11 R. 2. part. 1. m. 12.*

RIchardus *&c. Sciatis quod, pro bonis et gratuitis ſervitiis quæ dilectus et fidelis Miles noſter* Johannes de Beauchamp *de* Holt *Seneſcallus hoſpitii noſtri nobis impendit,*

England. *ac loco per ipſum tempore Coronationis noſtræ hucuſque impenſo et quem pro nobis tenere poterit in futurum in noſtris Conſiliis et Parlamentis, necnon pro nobili et fideli genere unde deſcendit ac pro ſuis magnificis ſenſu et circumſpectione ipſum* Johannem *in unum Parium ac Baronum Regni noſtri* Angliæ *præfecimus, volentes quod idem* Johannes *et hæredes maſculi de corpore ſuo exeuntes ſtatum Baronis obtineant ac Domini de* Beauchamp, *et Barones de* Kidermyſter *nuncupentur. In cujus rei &c. T.*

This firſt form was thus ſimple or brief. Afterward it grew variouſly longer both out of ſeveral clauſes, that were but explanatory of the dignity, as alſo out of the clauſe ſometimes of Creation money or annuity given for ſupport of the dignity. For that uſe was alſo in the age that followed not long after the beginning of ſuch Creations, that Barons had their honorary annuities in ſome examples, no otherwiſe than Earls. So Sir *Ralf Botiller*, Baron of *Sudley* in *Gloceſterſhire*, created by *Henry* the ſixth, *ut idem* Radulphus *& hæredes ſui prædicti* (that is, his heirs males of his body; nor have I ſeen a Creation of a Baron by Patent to him and his heirs generally) *meliùs, decentiùs, & honorificentiùs valeant ſtatum prædictum ac onera ipſis incumbentia manutenere & ſuſtentare*, as the words of the [f] Patent are, had two hundred marks annuity given out of the profits of *Lincolnſhire*, payable by the Sheriffs of that County. So *Edward* the fourth created Sir *Walter Blount*, Baron of *Mountjoy*, and gave him likewiſe an annuity, as Creation mony, of twenty marks yearly; twelve marks thereof payable out of the moity of the Town of *Thurbaſton* [g] in *Derbyſhire*, and the other moity out of the profits of *Derby* and *Nottinghamſhire*. But afterward this uſe of giving Creation money with the dignity, ended. And the forms of the Patents of Creation were very various; and briefer [h] than thoſe at this day and leſs explanatory of the dignity, and more different alſo one from another than at this day we find them. For in our age, eſpecially ſince the beginning of King *James*, this [i] form (after the Kings ſtile, and the preamble, which is varied by occaſion) is for the moſt part, if not always conſtant.

[f] *Part. 2. Pat. 25 Hen. 6. m. 29.*

[g] *Pat. 5 Ed. 4. part. 1. m. 6.*

[h] *Videſis Pat. 1 Ed. 6. part. 6. Baroni Sheffeild & aliis item Pat. 9. Elizab. part. 10. memb. 25. Baroni Buckhurſti. Sæpius in Rot. Pat. Jacobi & Caroli. RR.*

SCiatis igitur quod nos, de gratia noſtra ſpeciali, ac ex certa ſcientia, & mero motu noſtris, præfatum A. B. *ad ſtatum, gradum, dignitatem, & honorem* Baronis B. *de* C. *in Comitatu* N. *ereximus, præfecimus, & creavimus, ipſumque* A.B. Baronem B. de C. *prædicto, tenore præſentium, præficimus conſtituimus, et creamus eidemque* A. B. *ſtatum, gradum, dignitatem, ſtilum, titulum, nomen & Honorem Baronis* B. de C. *impoſuimus, dedimus, et præbuimus ac per præſentes damus, imponimus, et præbemus, Habendum et tenendum eadem ſtatum, gradum, dignitatem, ſtilum, titulum, nomen et Honorem eidem* A.B. *et hæredibus maſculis de corpore ſuo exeuntibus imperpetuum,*

imperpetuum, volentes et per præsentes insuper concedentes, pro nobis, hæredibus et successoribus nostris, quod prædictus A. B. *et hæredes sui masculi prædicti nomen, statum, gradum, stilum, dignitatem, titulum et honorem prædictum successivè gerant et habeant et eorum quilibet habeat, et gerat et per nomen* Baronis B. de C. *vocentur et nuncupentur et quilibet eorum vocetur et nuncupetur, quodque idem* A. B *et hæredes sui masculi prædicti successivè* Barones B. de C. *in omnibus teneantur et ut Barones tractentur, teneantur, et reputentur, et eorum quilibet tractetur, teneatur, et reputetur, habeantque, teneant, et possideant dictus* A. B. *& hæredes sui masculi prædicti, & eorum quilibet habeat, teneat, & possideat sedem, locum, & vocem in Parlamentis, publicis Comitiis & Consiliis nostris hæredum & successorum nostrorum infra Regnum nostrum* Angliæ *inter alios Barones, ut Barones Parlamentorum, publicorum Comitiorum & Consiliorum; Necnon dictus* A. B. *& hæredes sui masculi prædicti gaudeant & utantur & eorum quilibet gaudeat & utatur per nomen* Baronis B. de C. *omnibus & singulis juribus, privilegiis, præeminentiis, & immunitatibus ad statum* Baronis *hujus Regni nostri* Angliæ *in omnibus ritè & de jure pertinentibus, quibus cæteri Barones dicti Regni nostri* Angliæ *ante hæc tempora melius, honorificentius et quietius usi sunt et gaviſi seu in præsenti gaudent et utuntur. Eo quod expressa mentio, &c. non obstante. His testibus &c. Datum apud* Westmonasterum, *&c.* England.

And it is most frequent in these later times to have the surname added in the Creation as *A. B.* here is created Baron *B.* of *C.* where *C.* is the place that denominates the Baron. But the surname only is then often used as the title of Honor, in common expression. And we conclude the Temporal Barons with this form of a Baron invested at this day.

England.

BARO

The example of creating a Spiritual Baron by Patent is in that to *Richard Banham* Abbot of *Taviſtock*, and his ſucceſſor under *Henry* the eighth.[k]

k *Pat.5 Hen.8. part.2.m.22.*

HEnricus &c. *Sciatis quod certis conſiderationibus nos ſpecialiter moventibus & ob ſpecialem devotionem, quam ad Beatam Virginem* Mariam *matrem Chriſti ſanctumque* Rumonum, *in quorum Honore Abbatia de* Taviſtock, *quæ de fundatione nobilium progenitorum noſtrorum quondam Regum* Angliæ *& noſtro patronatu dedicata*

dicata exiſtit, gerimus & habemus, hinc eſt quod, de gratia England.
noſtra ſpeciali ac ex certa ſcientia & mero motu noſtris, volumus eandem Abbatiam ſive Monaſterium noſtrum gaudere honore, privilegio, ac libertatibus ſpiritualium Dominorum Parliamenti noſtri Hæredum & ſucceſſorum noſtrorum, Ideo conceſſimus & per præſentes concedimus, pro nobis hæredibus & ſucceſſoribus noſtris quantum in nobis eſt, dilecto nobis in Chriſto, Richardo Banham *Abbati de* Taviſtocke *prædicto & ſucceſſoribus ſuis, ut eorum quilibet qui pro tempore ibidem fuerit Abbas, ſit & erit unus de ſpiritualibus & Religioſis Dominis Parliamenti noſtri Hæredum & ſucceſſorum noſtrorum, gaudendo honore, privilegio, ac libertatibus ejuſdem; Et inſuper, de uberiori gratia noſtra, affectando utilitatem dicti noſtri Monaſterii, conſiderando ejus diſtantiam, Ita quod ſi contingat aliquem Abbatem qui pro tempore fuerit, fore vel eſſe abſentem propter prædicti Monaſterii utilitatem in non veniendo ad Parliamentum prædictum Hæredum vel ſucceſſorum noſtrorum, quam quidem abſentiam eidem Abbati perdonamus per præſentes; Ita tamen quod tunc ſolvet pro hujuſmodi abſentia cujuſlibet Parliamenti integri in noſtro Scaccario, ſuum per Attornatum quinque Marcas nobis, hæredibus ſive ſucceſſoribus noſtris, totiens, quotiens, hoc in futurum contigerit. In cujus &c. Teſte &c. viceſimo tertio die* Januarii *&c.*

And thus much of theſe more antients dignities of Earls and Barons, whence we come to the Title of Duke, and ſo to thoſe of Marqueſs and Vicount.

XXIX. The firſt Creation of thé title of Duke, as diſtinct from that of Earl (for in the elder times they were oft ſynonymies with us, as elſewhere, which is before ſhewed) was in the eleventh year of *Edward* the third, when in Parlament he created his eldeſt ſon, being then Earl of *Cheſter*, into the Title of Duke of *Cornwal*, and erected the Duchy of it. The Charter of Creation (for ſo much as concerns the preſent ſubject here) was thus;

EDwardus *Dei gratia, &c. Inter cætera Regni inſignia, illud arbitramur fore potiſſimum, ut ipſum ordinum dignitatum, & officiorum diſtributione congrua vallatum, ſanis fulciatur conſiliis & robuſtorum potentiis teneatur. Plurimis itaque gradibus hæreditariis in Regno noſtro, cum per deſcenſum hæreditatum ſecundum legem Regni ejuſdem, ad cohæredes & participes tum deficiente exitu, & aliis eventibus variis, ad manus Regias devolutis, paſſum eſt à diu in*

Nomi-

England. *Nominibus, Honoribus, & Graduum dignitate defectum multiplicem dictum Regnum. Nos igitur ea, per quæ Regnum nostrum decorari, idemque Regnum ac sancta ejusdem Ecclesia, aliæ etiam terræ nostro subjectæ Dominio, contra hostium & adversariorum conatus securiùs & decentiùs defensari, paxq; nostra inter nostros ubique subditos conservari illæsa poterint, meditatione sollicita intuentes, ac loca ejusdem regni Insignia pristinis insigniri honoribus cupientes, nostræ considerationis intuitus ad personam dilecti & fidelis nostri* Edwardi *Comitis* Cestriæ, *filii nostri primogeniti, intimiùs convertentes, volentesque personam ejusdem honorare, eidem filio nostro nomen & honorem* Ducis Cornubiæ, *de communi assensu & Consilio Prælatorum, Comitum, Baronum & aliorum de Consilio nostro in præsenti Parliamento nostro apud* Westmonasterium, *die lunæ proximè post festum S.* Matthiæ *Apostoli proximè præteriti convocato existentium, dedimus, ipsumq; in* Ducem Cornubiæ *præfecimus &* Gladio cinximus, *sicut decet. Et ne in dubium verti poterit aliqualiter in futurum, quid aut quantum idem Dux seu alii Duces dicti loci qui pro tempore fuerint nomine* Ducatus *prædicti habere debeant, omnia in specie quæ ad ipsum Ducatum pertinere volumus, hac carta nostra duximus inserenda. Dedimus itaq; & concessimus pro nobis & hæredibus nostris, & hac præsenti Carta nostra confirmavimus, eidem filio nostro,* sub nomine & honore Ducis *dicti loci, Castra, maneria, terras, & tenementa & alia subscripta, ut ipse Statum & Honorem dicti Ducis juxta generis sui nobilitatem, valeat continere, & onera, in hac parte incumbentia, faciliùs supportare, videlicet ; Vicecomitatum* Cornubiæ *cum pertinentiis, ita quod præfatus Dux & alii Duces ejusdem loci pro tempore existentes, Vicecomites prædicti Comitatus* Cornubiæ *faciant & constituant, et facere et constituere possint, ad exercendum et faciendum officium Vicecomitis ibidem, sicut hactenus fieri consuevit sine occasione vel impedimento nostri vel hæredum nostrorum imperpetuum, Necnon Castrum, Burgum, Manerium et honorem de* Launceneton *cum parco ibidem &c.*

Divers Mannors and Franchises both in *Cornwal* and other Counties then follow, which are made parts of the Duchy;

Habendum et tenendum eidem Duci *et ipsius et hæredum suorum Regum* Angliæ *filiis primogenitis, et dicti loci Ducibus in Regno* Angliæ *hæreditariè successuris, una cum feodis militum,*

militum, Advocationibus Ecclesiarum, Abbatiarum &c. de England. *Nobis et hæredibus nostris imperpetuum. Quæ quidem omnia Castra, Burgos, Villas, Maneria, Honores, Stannarias, et Cunagium, firmam* Exoniæ *et* Wallingford, *terras et tenementa, prout superius specificantur, simul cum feodis, Advocationibus, et omnibus aliis supradictis, prædicto Ducatui præsenti Carta nostra pro nobis et hæredibus nostris annectimus et unimus eidem imperpetuum remansura, Ita quod ab eodem Ducatu aliquo tempore nullatenus separentur, nec alicui seu aliquibus aliis quam dicti loci Ducibus per nos vel hæredes nostros donentur seu quomodolibet concedantur, Ita etiam quod præfato Duce seu aliis ejusdem loci Ducibus decedentibus, et filio seu filiis ad quos dictus Ducatus prætextu concessionum nostrarum prædictarum spectare dinoscitur tunc non apparentibus, idem Ducatus, cum Castris, Burgis, Villis et omnibus aliis supradictis ad nos vel hæredes nostros Reges* Angliæ *revertatur, in manibus nostris et ipsorum hæredum nostrorum Regum* Angliæ *retinendus quousque de hujusmodi filio seu filiis in dicto Regno* Angliæ *hæreditario successuris appareat, ut dictum est, quibus tunc successive Ducatum illum cum pertinentiis pro nobis & hæredibus nostris concedimus & volumus liberari, tenendum prout superius est expressum &c.------His testibus* J. Cantuariensi *Archiepiscopo totius* Angliæ *Primate Cancellario nostro*, Henrico Lincolniensi *Episcopo Thesaurario nostro*, Richardo Dunelmensi *Episcopo*, Johanne *Comite* Warrenæ & Surriæ, Thoma de bello campo *Comite* Warwici, Thoma Wake de Lydell, Johanne de Mowbray, Johanne Darcy *le Neveu Seneschallo hospitii nostri, & aliis. Datum per manum nostram apud* Westmonasterium XVII *die* Martii *Anno Regni nostri* XI.

Per ipsum Regem & totum Consilium

in Parliamento.

By this Creation, not only the first born son of the King's of *England*, but the eldest [m] living also are always Dukes of *Cornwal*. Neither needed there any new Creation of the Title, although sometimes we find it joyn'd with the Creation of the Title of Prince of *Wales*, as is before shewed. The Investiture of this first Duke was we see, for ought appears in the Charter, only by girding him with the Sword, although some learned men confounding, it seems, the ceremonies of his being afterward made *Prince of Wales*, with this Creation of him into the Title of Duke, say he was invested by a Ring, a Rod, and a Crownet, all which indeed together are mentioned in some

[m] *Coke lib. 8. Cas. Principis & Le case du Duche de Cornovaile publie 1613.*

England. some Patents of the following times that seem to create the eldest sons Dukes of *Cornwal*, as well as Princes of *Wales*, and Earls of *Chester*. The same Investiture also, by the Sword only, is mentioned in the Creation of *Henry*, the first Duke of *Lancaster*, [n] about fourteen years after this first Creation of the Duke of *Cornwal*. He was created, for life, in Parlament, and the clause of Investiture, in the Charter, is only *nomen Ducis* Lancastriæ *imponimus & ipsum, de nomine Ducis dicti loci, per cincturam gladii præsentialiter investimus*, and the County of *Lancaster* as a County Palatin, with reference to that of *Chester*, for example of Jurisdiction, is given to him, as the body of his Duchy. Afterward in 36 *Ed.* 3. on the last day of the Parlament, *Lionel* Duke of *Clarence*, and *John* Duke of *Lancaster*, both sons to the King were honour'd with those Titles, *Lionel* being then in *Ireland*; but the other being present had Investiture by the Kings girding him with a Sword, and his putting on him a Cap of Furr, *desus un cercle d'or & de peres*, as the Roll [o] says, that is under a Crownet of Gold and stones. And in the Parlament of the ninth of *Richard* the second, *Edmund* Earl of *Cambridge*, and *Thomas* Earl of *Buckhingham* and *Essex* were invested Dukes, this of *Glocester* and the other of *York*, the King sitting Crowned in his throne, and *Skirlaw*, the Lord Elect confirmed of *Coventry* and *Lichfield*, that was Keeper of the Privy Seal, delivering the causes of their Creation, the Charters of which were dated at *Hocelowelogh* in *Tividale* the sixth of *August* before the Parlament that began on S. *Luke*'s day, or the XVIII of *October* following at *Westminster*. And the [p] Charters having nothing expresly that design the Creation alone, more than *in Ducem ereximus eidem Ducatus* N. *titulum assignantes & nomen*, the [q] Parlament Roll says, of both of them, that the King *ipsum Ducem de prædictis titulo, nomine & honore*, per Gladii cincturam & Pilei ac Circuli aurei suo capiti impositionem, *maturius investivit ac cartam prædictam in plenum testimonium perpetuámq; memoriam & fidem præmissorum, manibus suis propriis eidem Duci tradidit & realiter liberavit et capto immediatè ejus homagio pro Ducatu prædicto eum vultu hilari inter pares Parliamenti in gradu celsiori sedere mandavit, quod idem Dux gratantius incontinenti fecit.* And they had each of them, a thousand pound revenue given them for support of the Dignity. But in the Parlament of 21 of *Richard* the second, *Henry* Duke of *Hereford*, *Thomas* Duke of *Surrey*, *John* Duke of *Exceter*, *Edward* Duke of *Aumerle*, and *Thomas* Duke of *Norfolk* were created, [r] the self same preamble of merit being in every of their Patents, which then go on thus, *de assensu Prælatorum, Ducum, Magnatum, & aliorum Procerum & Communitatis Regni nostri* Angliæ *in instanti Parliamento nostro apud Westmonasterium existentium ipsum Comitem* (for they were all Earls before) *in Ducem* N. *cum titulo, stilo ac nomine & honore eidem debitis præfecimus ac inde præsentialiter* per appositionem Cappæ suo capiti ac traditionem Virgæ aureæ *investimus*, after which the limitation of the estate by the *habendum*, and the Creation money of forty marks yearly out of the Exchequer, follow, without any other clauses whatsoever. And in the Parlament Roll (were the King sitting in his Throne invests them) it is said the Charters were there read, and that the King made them by girding them with Swords, and putting on every of their heads *un Cap d' onneur & dignitè du Duc* and that every one *fist son Homage en la manere accustumè devant ces heures*. Here we have no expres menti-

on

[n] *Pat.* 25 *Ed.* 3 *part.* 3. *m.* 18. 6. *Martii.*

[o] *Rot Parlam.* 36 *Ed.* 3. *num.* 36.

[p] *Cart.* 9 *Rich.* 2. *membr.* 15. *n* 27.

[q] *Rot. Parl.* 9 R. 2. *num.* 14, & 15. *m.* 5. & *vide etiam supra part.* 1. *cap.* 4. §. 2 *de Duce Hiberniæ, eodem anno. Vide item Cart.* 15 *Ed* 4. *m.* 12. *Duci Eboraci, in Ducem Norfolciæ creato, ubi nulla Investitura mentio.*

[r] *Cart.* 21 *Rich.* 2. *membr.* 14. *n.* 33. & *Rot Parlam. ejusdem anni part.* 4. *n* 35.

on in the act of Creation of the Rod, nor (in either the Charter or Parlament Roll) of a Crownet, but only of a Ducal Cap, for the head; as in that of the thirty sixth of *Edward* the third, the Crownet and Cap are, but not the Rod of gold. And, to the Crownets of our Dukes, that of *Martial de Paris*,[f] hath reference speaking of *Thomas* Duke of *Clarence*, brother to our *Henry* the fifth. *England.*

[f] *Chez* Lovis d' Orleans *en les Ouvertures des Parlements chap.* 11 *pag.* 169. *in* 4.

La en grand pompe & Seigneurie
Si Saillit le Duc de Clarence,
A un Chapeau de pierrerie
Plein de Diamans d' excellence.

The later times, have had for the most part, all these, the Sword, Crownet (which supposes the Cap) and Rod of gold together in the clause of Investiture. In our age, the form[t] is such that first the person honoured, is in the same Patent; created into the title of an Earl, though he were an Earl or Marques before, but without any Creation money or annuity of Creation, added to that title of Earl, and then follows;

[t] *Rot. Pat.* 21 *Jacobi part.* 1.

AC insuper, pro consideratione prædicta, de uberiori gratia nostra speciali ac ex certa scientia & mero motu nostris, præfatum A. *in* Ducem C. *necnon ad statum, gradum, stilum, titulum, dignitatem, nomen & honorem* Ducis C. *ereximus, præfecimus, insignivimus, constituimus, & creavimus, ipsumque* A. *in* Ducem C. *necnon ad statum, gradum, stilum, titulum, dignitatem, nomen & honorem* Ducis C. *tenore præsentium erigimus, præficimus, insignimus, constituimus & creamus per præsentes, eidemque* A. *nomen, stilum, titulum, statum, gradum, dignitatem & honorem* Ducis C. *imposuimus, dedimus, & præbuimus, ac per præsentes imponimus, damus, & præbemus, ac ipsum* A. *hujusmodi nomine, stilo, titulo, statu, gradu, dignitate & honore* Ducis C. per Gladii cincturam, Capæ, & Circuli aurei impositionem in capite & traditionem Virgæ aureæ *insignimus, investimus, & realiter nobilitamus per præsentes, Habendum & tenendum nomen, Stilum, titulum, statum, gradum, dignitatem & honorem* Ducis C. *prædicti, cum omnibus & singulis præeminentiis, honoribus cæterisque hujusmodi nomini, stilo, titulo, statui, gradui, dignitati et honori* Ducis *pertinentibus sive spectantibus præfato* A. *et hæredibus masculis de corpore suo exeuntibus imperpetuum, Volentes et per præsentes concedentes, pro nobis, hæredibus et successoribus nostris, quod prædictus* A. *et hæredes sui masculi prædicti nomen, Stilum, titulum, statum, gradum, dignitatem et honorem prædictum successivè gerant et habeant, et eorum quilibet gerat et habeat, et per nomen* Ducis C. *succes-*

England. *ſivè vocitentur et nuncupentur, et eorum quilibet vocitetur, et nuncupetur; Et quod idem* A. *et hæredes maſculi ſui prædicti ſucceſſivè ut Duces* C. *teneantur, tractentur, et reputentur et eorum quilibet teneatur, tractetur, et reputetur, habeantque, teneant, et poſſideant dictus* A. *et hæredes ſui maſculi prædicti et eorum quilibet habeat, teneat et poſſideat ſedem, locum et vocem in Parliamentis, Comitiis, et Conſiliis noſtris hæredum et ſucceſſorum noſtrorum infra regnum noſtrum* Angliæ, *inter alios Proceres et Magnates hujus regni noſtri* Angliæ, *ut* Dux C. *Necnon dictus* A. *et hæredes ſui maſculi prædicti gaudeant et utantur, et eorum quilibet gaudeat, et utatur, per nomen* Ducis C. *omnibus et ſingulis juribus, privilegiis, præeminentiis, et immunitatibus ſtatui* Ducis *in omnibus ritè et de jure pertinentibus, quibus* Duces *hujus regni* Angliæ *ante hæc tempora melius, honorificentius, et quietius uſi ſunt et gaviſi.*

Then ſhould follow (if at the time of the Creation, we have other Dukes here) *aut in præſenti gaudent et utuntur*, as in the Patents of other Titles of like nature. After this the clauſe of ſupport or Creation money follows, wherein ſometimes Land and forty pound yearly annuity, ſometimes only the annuity is given. Then the uſual Clauſes of *Volumus &c.* and *Eo quod expreſſa mentio &c. In cujus rei &c. His teſtibus &c.* concluded the whole form of it, as of other Patents of Creation. We add here the form of a Duke inveſted.

DVX &c.

XXX. As *Dux* or Duke was uſed with us in expreſſions of the antient Earls many ages before it was a diſtinct dignity of it ſelf, ſo alſo was that of *Marchio* or *Marqueſs*, ſometimes both for Earls and Barons, but eſpecially for thoſe that were Lords Marchers, or Lords of Frontiers, whence the true origination of the word is, as is already ſhewed. And afterward (as *Dux* alſo) it became a ſpecial dignity; placed next beneath that of Duke, and immediate above that of Earl, as it remains to this day.

For the antient uſe of the word with us; *Brianus filius Comitis Marchio de Walingford* is remembred in *William* of [a] *Malmesbury*: Neither did he, as I conceive, uſe the word otherwiſe than as taking *Walingford* Caſtle, which was then well fortified, to be a Frontier or March between thoſe of the part of King *Stephen* and of *Maud* the Em-

[a] *Hiſt. Novel. lib. 2.*

England. preſs. This *Brianus* or *Brientius* (as he is ſometimes called) was Lord [b] of the Caſtle. And *Johannes Sarisburienſis*, of the Lords Marchers of *Wales*; *Utinam* [c] *ſic faciant uxores & matres noſtrorum* Marchionum; *quacunque occaſione patriam ſervent incolumem & labem pudoris amoveant.* And at the Coronation of Queen *Elianor* wife to *Henry* the third, *John Fitz-Alan*, *Ralfe Mortimer*, *John* of *Monmouth*, and *Walter* of *Clifford*, as *Marchiones* [d] *de Marchia Walliæ* (being Lords Marchers) claimed as *jus Marchiæ* to carry the Canopy which belongs to the Barons of the Cinque Ports. Other *Marchiones Walliæ* are remembred in *Florilegus*. And *Edmundus* (ſaith he) *hæres famoſi Comitis jam defuncti*, Rogeri *de Mortuo Mari*, *cum quibuſdam* Marchionibus, *irruit in exercitum* Leolini, ſpeaking of the ſame kind of Marqueſſes. Others call them *Marchiſii*; Wallenſes *contra Regem & ejus* Marchiſios *bellum moverunt cruentiſſimum*, ſaith *Matthew Paris*, [e] in whom *Marchiſii* is uſed alſo for inhabitants in the Marches; as *miſimus ultra aquam per batellos, trecentos Wallenſes Marchiſios noſtros de Ceſtriſcyra & Salopesbyriſcyra.* But *Marchio* or *Marchiſius*, of it ſelf, denoted not any title of honour in thoſe times, nor long after with us, no more than *de Marchia* doth in *Comites & Barones de Marchia* in the Statute of the King's [f] Prerogative, or than *Commarchiones regni noſtri*, in the old Latin tranſlation of King *Ina*'s Laws [g] for ſuch as lived bunan ðam ȝemæpeum upeȝ þiceȝ or *in the frontiers of the Kingdom*, or than *Marchio* doth in a Patent [h] that declares that *John* Lord *Nevil* of *Raby* was *Marchio* and *unus cuſtodum Marchiarum Scotiæ*, in the beginning of *Richard* the ſecond. But under the ſame King this title of Marqueſs (as it is a diſtinct title of Honour) began. He created *Robert de Vere* Earl of *Oxford*, Marqueſs of *Dublin* in *Ireland* for life. But it was, in him, an Engliſh dignity, and, by reaſon of it, he was placed between the Dukes and Earls in the Parlament, wherein he was inveſted. His Patent was almoſt the very ſame (ſuch parts being changed as neceſſity requires) with that before [i] inſerted, by which he was created afterward Duke of *Ireland*. The Creation was in the ninth year of this King *Richard*. *Creata eſt* (ſaith *Walſingham*) *in hoc Parliamento Nova dignitas, Anglicis inſueta*; *nempe Comes Oxoniæ*, Robertus de Vere, *Appellatus & factus eſt* Marchio Dubliniæ *in Hibernia cæteris Comitibus hoc indignè ferentibus, quod viderent eum gradum celſiorem ipſis Regis munere percepiſſe, & præcipuè, quia nec prudentia cæteris, nec armis valentior extitiſſet.* In the Patent it ſelf [k] there is no other clauſe of inveſtiture than *præfato* Roberto *nomen Marchionis Dubliniæ imponimus & ipſum de nomine Marchionis dicti loci præſentialiter inveſtimus.* But the Parlament Roll (for the inveſtiture was in Parlament and in preſence of both houſes) ſaith that *Michael de la Pool* Earl of *Suffolk* and Chancellor of *England*, declared the merit and reaſon of the Creation, and then the King *ipſum* [l] *Marchionem de prædictis titulo, nomine, & honore*, per Gladii cincturam & Circuli aurei ſuo capiti impoſitionem, *maturius inveſtivit, ac cartam prædictam in plenum teſtimonium perpetuamque memoriam & fidem præmiſſorum, manibus ſuis propriis, eidem Marchioni tradidit & realiter liberavit, & (capto immediatè ejus homagio, proſtatu, terra, & Dominio prædictis) cum vultu hilari, inter pares Parliamenti, in gradu celſiori, videlicet inter Duces & Comites ſedere mandavit, quod idem Marchio gratantius in continenti fecit.* Here the inveſtiture is by the Sword and Crownet. But in the Charter Rolls of XXI of the ſame King, there is a Patent, though cancelled,

b *Videſis Camden in Atrebatiis pag.* 204.
c *De Nugis Curialium lib.* 6. *cap.* 16.
d *Lib. Rub. Scacc. Ms. & Camden. in Cornaviis pag.* 446 *& videſis Floril. ann* 1264. *&* 1284.
e *Pag* 860. *&* 924 *Ed. Lond.* *&* 935, *&* 936 *&* 958. *&* 984
f *Cap.* 1.
g *Cap.* 10. *apud Jo. Brampton in Hiſt. Jornal. Ms.*
h *Pat.* 1 *Rich.* 2. *part.* 2, *m.* 13.
i *Cart.* 1, *cap.* 4. § 2.
k *Cart.* 9 *Rich.* 2, *membr.* 13.
l *Rot. Parlam.* 9 *Rich.* 2. *m.* 3. *n.* 17.

celled, by which *John* Earl of *Somerset* is created Marquess of [m] *Dorset*, and the words (for the Investiture) are, *ac inde præsentialiter per appositionem circuli aurei suo capiti investimus.* And after the *habendum*, follows a grant of thirty five Marks yearly for Creation money, or the annuity of honour given out of the County, which conludes the Patent. It is dated XXIX *Septembris.* And in the margin it is noted with *Vacat quia nihil inde actum est.* Another [n] Patent follows there, of the same date, by which he is made Marquess of *Somerset*, with the like revenue out of the County, and the investiture is expresst in it, only *per cincturam Gladii.* But the Parlament Roll, that relates what was done upon the first, however the Charter Roll says nothing was done by it, tells us expressly that, besides the Sword, he had also a Crownet put on him. The words [o] are; *Item mesme le jour en Parlement Sire* Johan Beaufort *Conte de* Somerset *fenst fait & creez en Marquis de* Dorset *& ceyntus de son espee, & un cercle mis sur son chief, per le Roy, en manere & forme accustumez.* And it is certain, that he was created and continued Marquess of *Dorset*, as appears both by the Parlament Roll of that year, and the printed [p] Statutes. But it is observable, that, this dignity being taken from him, in the beginning of *Henry* the fourth, and the Commons afterward, in the Parlament of the fourth year of the [q] same King, recommending his merit to the King and Lords, and so making it their suit that he might be restored to the title of Marquess; he gave them hearty thanks for their favour toward him, but humbly declared himself to the King, that he was unwilling to have any such Title, because it was then so strange and new in this Kingdom. The words of the Roll are; *Item lundy le* VI *jour de Novembre les Commens viendrent devant le Roy & les Seigneurs, en Parlement, et entre autres choses et matires illeoques monstres et parlez, mesmes les Commens, honorablement recomendantz les bone et honorable port et governance del* Conte *de* Somersete, *prierent au Roy que mesme le* Cont *purroit estre restores a ses noun et honour de* Marquis *queux il avoit pardevant; de quel prier, le Roy et les Seigneurs remercirent les dits Commens. Et le Roy leur disoit, q' il voudroit estre avisez et ent faire ceo que luy sembleroit pur le mieulx, touchant cell matire: Et sur ceo, le dit* Cont; *engenulant, molt humblement pria au Roy, que come le noun de* Marquis *feust estrange noun en cest roialme, q'il ne luy vorroit ascunement doner cel noun de* Marquis. *Qar jammais par congie du Roy il ne vorroit porter n' accepter sur luy nul tiel noun en ascun maniere; mais nientmeins mesme le* Cont *molt cordialment remercia les Seigneurs et les Commens, de leur bones coers et volente, celle partie.*

In the Patents of Creation of the following times, the clauses of Investitures have been not always alike. As, in that to *Thomas Gray* created Marquess of *Dorset* by *Edward* the fourth, it [r] is only, *per cincturam Gladii et Capæ Honoris, et dignitatis impositionem*, the Crownet being omitted, though it be like enough it was used in the act of Investiture. The form of the Patent of the Creation of Marquess, having been somewhat varied through those ages that have past since the beginning of it here, till this of ours or our Fathers (for the clauses of having their place in Parlaments, and enjoying the other rights and privileges of Marquesses in those few that occur in the elder time of it, are not always in the same words) is become to be but the same with that [s] of an Earl, the word *Marchio* being but put in the place of *Comes*

England.

m *Cart.* 21 *Rich.* 2. *membr.* 14. *n.* 23.

n *Ibid. m.* 12. *n.* 18.

o *Rot. Parl.* 21 *R.* 2. *memb.* 9.

p 21 *Rich.* 2. *cap.* 16.

q *Rot. Parl.* 4 *Hen.* 4. *m.* 18. *art.* 18.

r *Cart* 15 *Ed.* 4. *m.* 13.

s See before

England. *Comes*, and the annuity or Creation money being forty Marks, which was antiently ſometime more, ſometime leſs. But the form of a Marqueſs's Crownet, and the reſt of the habit uſed at the Inveſtiture makes them different enough; as you may ſee in this ſhape.

MARCHIO

XXXI. The Title of *Vicount* (of whoſe original, before, in *France* eſpecially) which is between that of Earl and Baron, and is but the ſelf-ſame word which ſignifies our Sheriff, turned into a dignity, began, with us, under [u] *Henry* the ſixth. He in his eighteenth year in Parlament thus created *John* Lord *Beaumont* Vicount *Beaumont*.

u *Pat.18 Hen. 6.part.2.m.21*

Hen-

England.

HEnricus *&c. Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ballivis, Ministris et aliis fidelibus suis, ad quos &c. Salutem, Sciatis, quod cum majestatem nostram decere conspiciamus, ut illos qui se nobis exhibent obsequiosi famulatu continuo, in hiis maxime quæ de nostra mera prærogativa et libertatis gratia procedunt, præcipuis honoribus attollamus, præsertim quos parentum præteritorum nobilitavit memoria et propriarum virtutum merita clara evidentia condecorant, ut præmiata virtus roboretur intrinsecus ac multos alliciat ad actus virtuosos; hinc est quod nos considerantes generis nobilitatem carissimi Consanguinei nostri* Johannis *Domini* de Beaumont, *et servicia quæ progenitoribus nostris sui parentes fideliter impenderunt, ac ea quæ gratissima nobis ipsé obsequia laudabiliter à nostræ ætatis auspiciis nuncusq; indies impendit, uti ea continuare desiderat in futurum et eo nobis accommodiora efficere quo celsiore fulgeat prærogativa honoris, de gratia nostra speciali, in præsenti Parliamento nostro, præfato* Johanni *Domino* de Beaumont *Consanguineo nostro, ac hæredibus masculis de corpore suo exeuntibus nomen* Vicecomitis de Beaumont *imponimus, ac ipsum* insigniis Vicecomitis de Beaumont *realiter investimus, locumque in Parliamentis, Consiliis, & aliis Congregationibus nostris, super omnes Barones Regni nostri assignavimus eidem; cui ut magis conveniat & decoretur in ipso status Vicecomitis prædicti motu & mera liberalitate nostris dedimus & concessimus pro nobis & hæredibus nostris, quantum in nobis est, præfato* Johanni *ac hæredibus suis una cum nomine insigniis & loco prædictis, viginti marcas percipiendas annuatim sibi & hæredibus suis masculis de corpore suo exeuntibus, de firmis, exitibus, proficuis & commoditatibus Comitatus* Lincolniæ, *per manus Vicecomitis ejusdem Comitatus pro tempore existentis ad terminos Paschæ & Sanctæ* Michaelis *per æquales portiones; Habendum & tenendum sibi & hæredibus suis prædictis, nomen, insignia, locum & viginti marcas prædicta imperpetuum, eo quod expressa mentio de aliis donis & concessionibus eidem* Johanni *per nos ante hæc tempora factis nec de valore eorundem juxta formam statuti inde editi & provisi in præsentibus minime facta existit, non obstante. In cujus &c. Teste Rege apud* Reding XII *die* Februarii.

Per breve de privato Sigillo.

What

England. What was understood by the *Insignia Vicecomitis de Beaumont* mentioned here in the clause of Investiture, may be doubtful. Of the old Ensigns or *Insignia* of a Vicount in *France*, see before *pag.* 441. But, it seems, because they are iterated in the *habendum* that they were the Arms of the Vicounty of *Beaumont* in *France*. Of the gift of the feudal Vicounty it self in *France*, to him, soon after, see before *pag.* 442. And it is to be observed, that about five years after this Creation, he had other Letters Patents (before any other Vicount made in *England*) of a more express designation of the place or precedence belonging to his dignity. After a short recital of the first grant, *de uberiori gratia* (says[t] the King) *concessimus eidem* Vicecomiti *& hæredibus suis masculis*, Vicecomitibus Beaumont, *sedem & locum ante & supra omnes* Vicecomites *fiendos, & creandos & ante & supra* hæredes & filios *omnium* Comitum *ac sedem honorem immediatè & proximè* Comitibus *dicti Regni* Angliæ *in singulis Parliamentis Consiliis & aliis locis tam in præsentia nostra quam hæredum nostrorum & alibi, eo quod expressa mentio &c.* The date is at *Westminster* XII *Martii*, in the XXIII year of the King; and the Warrant is expressed by, *per breve de privato Sigillo & de data prædicta autoritate Parliamenti*, which last words divers Patents (of that age and of some that follow) have in the expression of their Warrants, by reason of the Statute of 18 *Hen. 6. cap.* 1. by which it was enacted that Letters Patents shall be dated the same day wherein the Warrant for them is received, as to this day from that time and act, the Law hath continued. Divers Vicounts have been since created, and the usual form at this day, after the preamble, is in this manner.

[t] Pat. 23 Hen. 6. part. 2 m. 20

SCiatis igitur quod &c. prædictum A. *in Vicecomitem* N. *ereximus, præfecimus, constituimus & creavimus ipsumq; A. in Vicecomitem* N. *erigimus, præficimus & creamus per præsentes, eidemque* A. *nomen, statum, gradum, stilum, dignitatem, titulum & honorem Vicecomitis* N. *imposuimus, dedimus, & præbuimus, ac per præsentes imponimus, damus & præbemus, Habendum, tenendum & gaudendum eadem nomen, statum, gradum, stilum, dignitatem, titulum, & honorem Vicecomitis* N. *prædictum cum omnibus & singulis præheminentiis, honoribus, cæterisque privilegiis nomini, statui, gradui, stilo, honori, titulo, & dignitati Vicecomitis pertinentibus seu spectantibus, præfato* A. *& hæredibus masculis de corpore suo exeuntibus imperpetuum, Volentes & per præsentes concedentes pro nobis, hæredibus & successoribus nostris quod prædictus* A. *& hæredes sui masculi prædicti nomen, stilum, gradum, dignitatem, statum, titulum & honorem Vicecomitis* N. *prædicti successivè gerant & habeant & eorum quilibet gerat & habeat. Et per nomen Vicecomitis* N. *successivè vocitentur & nuncupentur & eorum quilibet vocitetur & nuncupetur. Et quod idem* A. *& hæredes sui masculi prædicti successivè ut Vicecomites* N. *teneantur, tractentur & reputentur & eorum*

quilibet

quilibet tractetur, teneatur & reputetur, habeantq; teneant & possideant, dictus A. *Et hæredes sui masculi prædicti & eorum quilibet habeat, teneat & possideat successivè, sedem, locum, & vocem in Parliamentis & publicis Comitiis atque Consiliis nostris hæredum & Successorum nostrorum infra Regnum nostrum* Angliæ *inter alios Vicecomites & ante omnes Barones, ut Vicecomites* N. *Necnon dictus* A. *& hæredes sui masculi prædicti gaudeant & utantur et eorum quilibet gaudeat & utatur, per nomen Vicecomitis* N. *omnibus & singulis Juribus, privilegiis, præheminentiis & immunitatibus statui Vicecomitis in omnibus rite & de jure pertinentibus quibus cæteri Vicecomites dicti Regni nostri* Angliæ *ante hæc tempora melius, honorificentius, quietius, et liberius usi sunt et gavisi seu in præsenti gaudent et utuntur, Et quoniam aucta status et dignitatis celsitudine necessario crescunt sumptus et accedunt onera grandiora, ut prædictus* A. *Et hæredes masculi sui prædicti melius, decentius et honorificentius statum, honorem, et dignitatem prædictam Vicecomitis* N. *ac onera ipsi* A. *et hæredibus suis masculis prædictis incumbentia manutenere et supportare valeant et quilibet eorum ea manutenere et supportare valeat, Ideo de uberiori gratia nostra, dedimus et concessimus ac per præsentes pro nobis, hæredibus et successoribus nostris damus et concedimus eidem* A. *et hæredibus masculis de corpore suo exeuntibus feodum sive annualem redditum tresdecem librarum sex solidorum et octo denariorum legalis monetæ* Angliæ, *habendum et percipiendum annuatim dictum feodum sive annualem redditum tresdecem librarum sex solidorum et octo denariorum eidem* A. *et hæredibus suis masculis de corpore suo exeuntibus de exitibus, proficuis, et revencionibus magnæ et parvæ Custumæ et Subsidiis nostris nobis concessis sive debitis seu imposterum nobis hæredibus seu successoribus nostris concedendis sive debendis provenientibus crescentibus, sive emergendis infra portum Civitatis nostræ* L. *per manus Customariorum, sive Collectorum nostrorum hæredum & successorum nostrorum, Custumarum et Subsidiorum nostrorum hæredum et successorum nostrorum ibidem pro tempore existentium ad festa Paschæ et Sancti* Michaelis *Archangeli per æquales portiones. Volumus etiam &c. absque fine in hanaperio &c. Eo quod expressa mentio &c. In cujus &c. Teste &c.* England.

England.

The Figure and Habit of a Vicount created, is thus.

VICE-COMES

The forms of Creations hitherto ſhewed are either for life or to the Heirs or Heirs males of the body begotten of the Perſons created only. Others are ſometimes with remainders over after the eſtate tail ended, to other Perſons likewiſe in tail whereof you have examples in *Rot. Pat. 2 Caroli R. part.* 5. *num.* 12. *& num.* 14.

XXXII. Having thus ſeverally gone through ſuch Titles of Honour as are Parlamentary with us, we ſhall conclude them with a ſhort corollary touching two particulars that concern all of them together.

The

The Names of Honour that are common to all of them, and the Habits proper to their dignities. They are all comprehended under the name of *Magnates*, or *Les Grandes*, *Proceres*, *Domini*, *Lords*, (antiently blapopber and Loverds) *Seigneurs*, *Pares Regni*, or *Peers of the Realm*. Neither need more to be said of any of those comprehensive names but only of Peers. The occurrence of that title with reference to the Lords of Parlament is frequent, both in our Stories [x] and Laws [y], and the *jus paritatis* is thence mentioned in the Parlament [z] Rolls. And much might be added concerning the nature and extent of the title of Peers and the trial of them which we purposely decline here, and note only a strange mistaking of a *French* Writer of this time that saies the Peers of *England* had their beginning from an imitation of that state (which may be true enough) but that the Number of them was but five only. *Est a noter* (so are his [a] words) *que les Roys mesme d' Angleterre avoient leurs Pairs a l' imitation de ceux de France, mais a nombre, de cinque seulement que n'estoit compaign suffisant pour juger en dernier ressort, & de la vie des grands.* And to justifie this, he cites a passage out of *Froissart*, who speaking [b] of the Coronation of King *Henry* the Fourth, saies that the King came into the Hall (at *Westminster*) to dinner, *& fut la premier table du Roy, la secunde des cinque Pers d' Angleterre, la tierce des villains de Londres.* But, the collection from this of *Froissart* was too rash. Neither is so much as any sign of either the number of five or of any other established number of Peers with us in *England*. Nor can I believe that *Froissart* being so conversant both with the English Court and Customs (especially such as had relation to the Lords in whose frequent acquaintance he lived here) could be any way guilty of the fancy of such an errour. And for the *Cinque Pers* spoken of in his History; though I cannot judge of it by any writen Copy of him (for I have none by me) yet I am forward to think it is mispublished in him for *Cinquant Pers*, which denoted not an established, but an accidental number only of the time. That his Copies are very corrupt in names and number, appears almost in every leaf of him, and an abbreviature or a small slip of the pen might cause such a mistaking. Now for *Cinquante Pers*, or fifty Peers which he might mean, sate at the second table; thus. He saies expresly that the two Archbishops and seventeen Bishops (which is one Bishop more than we find summoned to that Parlament; for it was in Parlament time) sate at the King's Table, so that none of them altered any number of any other table. Neither doth he speak of any other table at which the temporal Earls and Barons sate (for of the Abbots and Priours here, nothing appears) unless they were placed at the second, where they might well sit under the name of the fifty Peers in common language, because in truth the number of them that were summoned was in the end of *Richard* the Second (as we see in his last [c] Parlament) just fifty. And they were in the first Parlament of *Henry* the Fourth (when his Coronation was) so near the same number (for they [d] were forty seven) and almost all the same persons, that it were no absurdity to think that the name of the fifty Peers fixed on the Temporal Barons in the last of *Richard* the Second (which without doubt was talked of enough to settle special names and numbers upon the particulars of it) was become a note rather than a just number of the Temporal Parliage, and was so used by *Froissart* that wrote in the Court language of his time. It is not more strange that fifty being the famous number of them should

England.

x *Videsis M Paris an.* 1208. *ubi de Willielmo de Brecosa & pag.* 357. *Ed. London. in literis Innoc. PP.* 3. *et pag.* 450. *et* 13; 14. *&c.*

y *Mag. Chart. cap.* 14. 15 *Ed.* 3. c 2 *& passim in iis tentioribus legibus quæ judicia capitalia inducunt.*

z 11 *Rich.* 2. *part.* 1 *m.* 2. *art.* 34. *& de Nomine Paris Baronibus spiritualibus tributo. Videsis* 3 *Ed.* 3. *fol.* 186. *& Pasch* 3 *Ed.* 3. *coram Rege Rot* 9 *Rer* 22 *Ed.* 3 *fol.* 9 *Pl.* 28. 13 *Ed.* 3. *Tr. inquest* 43. *& Challenge* 113 *&c. Godwin. in vit. Rich. Scroop Archiepisc Ebor. & Regist Ms. Courtenay Archiepiscopi Cant fol.* 170.

a *Antiquitez & Recerches de la France liv.* 2. *traite* 5. *pan* 4. *D C*

b *Hist. volum.* 4. *c p* 114.

c *Dors. Claus* 23 *Rich.* 2. *m.* 3.

d *Dors. Claus* 1 *Hen.* 4.

England. be attributed in a familiar expreſſion to the body of them, when they were fewer than fifty, than that the number of five out of a vulgar account ſhould to this day legally expreſs ſeven as it doth in the Parlament Writ directed to the Lord Warden of the Cinque Ports, to cauſe two Barons to be choſen *de quolibet prædictorum Portuum*; there being in truth ſeven of them. And ſeven alſo return Barons upon the Precepts that iſſue upon that Writ. Other Examples might be offered for the like acceptation ſometimes of a received number for that which in truth and ſtrictly is more or leſs. I confeſs, we may be deceived in correcting *Froiſſart*. But however; It is plain that there can be no queſtion but that the number of Peers of the Realm with us was never confined to any more certainty than the Lords of the Parlament are.

We add here that the eldeſt Sons of Dukes in *England* in their Father's life time are ſtiled by the titles of their Fathers Earldoms, and thoſe of Marqueſſes and Earls by their Fathers Baronies or Vicounties, and are ſo called Lords. As alſo other Sons of Dukes and Marqueſſes are called Lords, *My Lord* being præfixed to their Chriſtian or Sirnames. But they have theſe Titles by the *Courteſie* only or *Curialitas* of the Kingdom. And by reaſon of their Fathers being in ſo eminent dignity, they enjoy theſe ſtiles. But they are not indeed Barons of the Kingdom, nor Peers or *Proceres Regni*, becauſe they have not, by that right only, place and voice in Parlament. See alſo *Rot. Pat. 4 Jacobi part.* 1, 1 *Junii*, the title of *Dominus* or *Lord* only given by Patent, which example I think is ſingular.

For the Habits of their Dignities; As they are uſed in the later times they are before expreſſed in the ſeveral Figures of them. I add only out of *Froiſſard* for the former times, the Habits of the Dukes, Earls, and Barons, at the Coronation of *Henry* the Fourth. *Les Ducs, Comites, & Barons* (ſaith[f] he) *avoient longues houpelands*[g] *deſcarlate & longs manteaux fourrez de menuver & grans chaperons auſſi fourrez en celle maniere. Et touts les Ducs & les Comtes avoient trois honobles de menuver aſſiſes ſur l' eſpaul ſeneſtre d' un quartier de Long, ou environ; & les Barons n' en avoient que deux; & tous autres chevaliers, & Eſcuyers avoient houpelandes fourrez de livree & eſtoyent d' Eſcarlate.*

[f] *Vol. 4. chap. 114.*

[g] *Videſis Camden. in Reliquiis pag. 231.*

XXXIII. The name of *Knight* (which is moſt commonly with us reſtrained to an honorary Title, and is the next that follows in our diviſion of the Honours of *England*) together with *Miles* and *Chivaler*, being but the ſame with *Eques*, have been and are, as all or moſt of other words that make the Titles of Honour, of divers ſignifications. *Knight* or Cnihꝛ or Cnyhꝛ (as it was written in the *Saxon*) ſignified as *puer, ſervus*, or an attendant. Whence it is that in the *Saxon* Evangeliſts Leopnunꝛ Cnihꝛaſ, or *Learning Knights*, expreſſes the Diſciples. Sometimes it denoted the Sex or as much as *Maſculus*[h] as alſo **Dryncknecht** is a man ſervant to this day with the *Dutch*, and **Knecht** or **Knaecht** alone alſo which is variouſly joyned to other words as **Stalknecht**, **Voet-knecht** and the like. And **Knecht-ſchap** was antiently[i] *ſervitudo* with them, as **Knechtwiiſe** *ſerviliter*. Sometimes a Souldier is denoted by it as in the *Saxon* interpretation of that in Saint *Paul*; *Non ſine cauſa portat miles gladium ſuum*, Ne bẏꝑ̃ðe ne[k] ꝛe Cnẏhꝛ butan mꝛẏnꝛan hiꝛ ꝛpuꝓ, *The Knight beareth not his Sword in vain.* And in that ſence alſo it is to this day in the *Dutch*. So in the Preface to the ſeven Penitential Pſalms in *Henry* the Eighths Primer, *Uriah* is called

[h] *Not ad Edmer. pag. 170.*

[i] *Corn. Killianus in Etymolog. Teutonic. Linguæ.*

[k] *Alfricus de Novo Teſt. pag. 41.*

King

King David's *Knight* and *Servant*. Tenants by Knights Service were likewiſe called *Knights*, *Milites*, or *Chivalers*, becauſe their Service was Military, which moſt eſpecially occurrs in the antient Rolls of Eſcuages and Aids and in the Pipe Rolls where Eſcuages and Aids are accounted for, and in our Writs[l] of Attaint. We have **Rodknights** alſo in *Bracton*, [m] for Tenants that held by the Service of riding from one Mannour to another with their Lord, which was alſo adjudged by ſome under *Henry* the Third, to be ſuch[n] a Knight Service that it drew Ward and Marriage to it alſo. The chief Gentlemen likewiſe or Free-holders of every County (in regard they uſually held by Knights Service) are ſtiled *Chivalers* in the Statute of *Weſtminſter*[o] the firſt, touching the choice of Coroners. And it is before noted how the addition of *Chivaler* is given in the later Age to every Temporal Baron of Parlament (whoſe dignity is not above a Baron) in his Writ of Summons, whether he be a dubbed Knight, or ſolemnly created into the Order of Knighthood, or *Miles gladio cinctus* (as the phraſe is) or not. But the Title of it ſelf is then Honorary only when it is had by ſuch Creation; and it endures for life only.

England.

l See *Brook tit. Droit de reſto* 18.

m *De acquir. rer. Dom. lib.* 2. *cap.* 35. §. 6.

n *Eod. lib. cap.* 16. §. 6.

o *Weſt.* 1. *cap.* 10.

That Honorary Title of Knight is with us of four kinds. The firſt is *Knights Bachilers*, [p] or *of the Spur*, which are indifferently ſtiled *Knights*, *Milites*, and *Chivalers*, and ſometimes *Milites ſimplices*, for diſtinction from *Bannerets* in the elder times. The ſecond is *Knights Bannerets*; the third *Knights of the Garter*; and the fourth *Knights of the Bath*. For ſo we rank them here for methods ſake, however their places in precedence be far otherwiſe. And becauſe the name of Knight in the reſt of them came doubtleſs from the uſe of it in expreſſing thoſe of the Spur or Bachilers who are much antienter than any memory of the reſt and are fitteſt firſt to be known, therefore only they had the firſt place here. For the Original and name of our *Knights Bachilers*; That which is before in the Knights of the Empire and of Bachilers in *France* is appliable enough to theſe of our Nation, wherein the mention of them occurrs often during the time of the *Saxons* that (as we muſt remember here) came out of *Germany*, and thoſe Northern or Northweſtern Countries adjacent to it. And what is in this dignity in the fabulous ſtories of King *Arthur*, we omit here as juſtly as we do what we have of the like nature in the old *Romaunts* that often mention Knights of this Iſland. But in the *Saxon* times (if we may believe, as I think we may, that *Miles* denoted this dignity) we have frequent mention of it. In a Charter of *Kenulph* King of *Mercland*, of the year DCCCVI. to the Abbey of *Crowland*, he confirms to the Abbey *Eleemoſynam quam Algarus Miles*, [q] *etiam dudum meus dedit illis in* **Baſton** *&* *in* **Repingale**. The ſame Knight is mentioned in a Confirmation of King *Witlaf* to the ſame Monaſtery; *Item donum* (ſaith he) *Algari militis*, *ſcilicet* **Rothland** *in* **Baſton**. *Item donum ejuſdem Algari militis in* **Repingale**, and there is added in this of *Witlaf*, *Item donum Oſwini militis in Draitona*. And they are again with ſome others remembred with that Title ſtill in Confirmations of ſome of the ſucceeding *Saxon* Kings inſerted by *Ingulphus*, who mentions alſo [r] *Fernotus Miles & Dominus de* **Bolworth**, and *Edmerus Miles & Dominus de* **Bolbroke** under King *Hardecnut*. And it occurrs in the additions of divers that ſubſcribe alſo to Charters in thoſe Ages, as in a Charter of *Canutus* to the Monaſtery of *Badrices* (that in Saint *Edmonds Eury* in *Suffolke*) after the ſubſcriptions of the Queen, and ſome by the name of *Duces*, follow.

p Sic dicti 2. *Ed.* 4. *cap.* 5.

q *Ingulph pag.* 854. & 85[illegible] *Ed. Fr.*

r *Idem ibid. pag.* 906.

England. ✠ *Ego* [f] *Oſlaus miles,* ✠ *Ego Thored miles.* ✠ *Ego Thurkel miles.* ✠ *Ego Thrim miles.* ✠ *Ego Brother miles.* ✠ *Ego Alſwinus miles,* and then divers Abbots. And other ſuch more are found in the memories of thoſe times, although ſome learned men have doubted that in the old Tranſcripts and exemplifications (for the moſt we have in this kind are ſuch; at leaſt, if not forged) *miles* might be often ignorantly made from *M.* that ſtood frequently for *Miniſter*, touching which addition enough already, where we ſpeak of *Thanes*. But ſome have *Miniſter* for an addition, where others follow with *Miles* as in a [t] Charter of Priviledges to the Abbey of *Weſtminſter*, by *Edward* the Confeſſour: after the King, Queen, Biſhop, Abbots, ſome other of the Clergy, and Earls follow. ✠ *Ego Eſgarus Miniſter.* ✠ *Ego Boudius Miniſter.* ✠ *Ego Radulphus Miniſter.* ✠ *Ego Robertus Miniſter.* ✠ *Ego Agelnodus Miniſter.* ✠ *Ego Wigodus Miniſter.* ✠ *Ego Adnothus Miniſter.* ✠ *Ego Wulfricus Miles.* ✠ *Ego Siwardus Miles.* ✠ *Ego Colo Miles.* ✠ *Ego Wulfwardus Miles.* The mention of theſe Knights is ſo obvious in the following times that we need not further obſerve it. Only for the name of *Bachilers*, we add here ſomewhat out of *Matthew Paris*: *Ipſo quoque tempore* (ſaith he, ſpeaking of the thirty third year of *Henry* the Third) *Haſtiludium commiſſum eſt apud* Wakele, *ubi multi de militibus univerſitatis Regni qui ſe volunt* Bachelarios *appellari, ſunt contriti.* And *Willielmus de Valentia male tractavit Willielmum de Odingſſelet militem ſtrenuum qui* Bachelariis *annumerabatur.*

But that which is chiefly conſiderable here touching this dignity of Knights Bachilors we divide into three heads. The particulars that concern the Creation of them, *Reſpects of honour*, both in the antient and the later time, *given them*, and the *Degradation of them*. The firſt we ſubdivided into the *Perſons that have given and received it*, *the Ceremonies and other circumſtances* uſed at the giving it, *and our ſeudal Laws by which compellable ſupplies or pecuniary Aides* are to be given when another is to be created into it. And of theſe ſeverally.

The Perſons that gave this dignity antiently were ſometimes Subjects (and theſe gave it without any ſuperiour Authority granted to them) as well as Sovereigns. Though long ſince it hath grown to be clear none gives it with us but the Sovereign or ſome other by his command or [u] commiſſion. But in the antienter times both Eccleſiaſtical and Lay Subjects created Knights. *Brand* Abbot of Saint *Edmonds Bury* created one *Heward* and other Gentlemen of *Saxon* blood, under the [x] Conquerour. *Lanfrank* alſo Archbiſhop of *Canterbury*, made King *William* the Second a Knight in his Father's life time. *Acceſſit & favori ejus* (ſaith *William* of [y] *Malmesbury* ſpeaking of his coming to the Crown) *maximum rerum momentum Archiepiſcopus Lanfrancus, eo quod eum nutrierat & militem fecerat.* To this making of Knights by Eccleſiaſtical perſons, belongs that of the Parliament of the third of *Henry* the Firſt, *Ne* [z] *Abbates faciant milites*, whereby the Creation of them was denied to Abbots, as alſo that in a Lieger [a] of the Abbey of *Battel*; *Terras Cenſuales non donet (Abbas) ad feudum. Nec milites niſi in ſacra veſte faciat.* Where it ſeems it was ſuppoſed Abbots might make them as it is likewiſe in that of King *Henry* the Firſt to the Abbey of *Reading*, which was confirmed alſo by other Kings afterward without any notice taken of that Act of the third of *Henry* the Firſt. *Terras* [b] *cenſuales non donet Abbas ad feodum. Nec faciat milites niſi in ſacra veſte Chriſti, in quo parvulos ſuſcipere modeſte caveat. Maturos autem ſeu diſcretos*

[f] *Inſpect. 4 Ed. 3. Cart. membr. 58.*

[t] *Apud Clem. Reyner in Apoſtolat. Benedictinorum in Anglia. Tract. 1. Sect. 1. §. 16.*

[u] *Videſis Br. Tit. Addition 17.*

[x] *Ingulphus pa. 901. Ed. Fr.*

[y] *De geſt. reg. lib. 4. cap. 1.*

[z] *Item de geſt. Pontif. lib. 1. ſub Anſelmo. Et Edmerus Notarum lib. 3. p. 68.*

[a] *Ms in Tabulario Augmentationum Coronæ.*

[b] *Stat 1 H. 4. part. 2. m. 26. n. 10. & Trinit. 2 Ed 3 Rot. 105. coram Rege Berk & alibi nota ipſius ad Ed. m. r. pag. 207.*

tam

tam clericos quam laicos providè susciptat. For Lay Subjects; the Earl of [c] *Gloceſter* Knighted his Brother and [d] *Simon* of *Monfort* Earl of *Leiceſter* made *Gilbert* of *Clare* a Knight. *John* Duke of *Bedford* alſo [e] gave the ſame dignity to King *Henry* the Sixth. And [f] *Edward* Earl of *Somerſet* to King *Edward* the Sixth. But ſupreme Princes might even take it as well from their own Subjects as from [g] other Ptinces. Other Examples occurr anon in the relation of the Ceremonies uſed in Knighting, And hereof ſee ſome Pleas in 8 *Ed.* 3. in the Exchequer, *ex parte Rememoratoris Regis.* And it is obſervable that in ſome old Writs of Summons, or *diſtringas*, for taking the order of Knighthood, a diſtinction is made; that ſome ſhould come *ad recipiendum à Nobis* (from the King) *Arma Militaria*, and others, being not Tenants to the King, ſhould [h] be ſummoned or diſtrained *ad ſe milites faciendos*, or *ad arma ſuſcipienda.* And in [i] one I obſerve that thoſe of the ſecond kind are to be diſtrained *quod tunc ſint ibi parati ad recipiendum Arma de quibuſcunque voluerint.* In which form the Writs went to all the Sheriffs of *England.* The *Perſons* that received it were alſo, not only of the Laity, but alſo ſometimes of the Clergy. Among thoſe of the Laity, Kings themſelves as well as inferiour Lords (as is before touched) took it for an Acceſſion of honour to them. And Clergy men of eminency that were willing to leave their Spiritual Cures and betake themſelves to Secular imployment, upon reſignation of their Benefices, were ſometimes honoured with it, and, it ſeems, that reſignation was to be exacted of them before they might receive it. So I conceive from that of *Matthew Paris* ſpeaking of King *Henry* the Third's Knighting of Sir *John de Gateſden* a Clergy man. *Die Natali* (ſaith [k] he) *Johannem de Gateſdene Clericum, & multis ditatum beneficiis, ſed omnibus ante expectatum reſignatis, quia ſic oportuit baltheo cinxit militari.* But touching the Perſons alſo that have given and taken it, more will occurr in the Ceremonies of it.

England.

c *Camd. Brit. pag.* 126.
d *Matth. Paris pag.* 1329. *Edit. Londin. ſive* 1350.
e *Stow Annal. pag.* 604.
f *Idem pag.* 1000.
g *Videſis* M. *Paris pag.* 1104. *ubi de Alex. Reg. Scotiæ.*
h Vide *Rot. Clauſ.* 44. *Hen.* 3. *part.* 1. *membr.* 14. *Clauſ.* 6 *Ed.* 1. *Dorſ.* 8. *Clauſ.* 6 *Ed.* 2 *Dorſ.* 29. &c.
i *Clauſ.* 29 *Hen.* 3. *membran.* 9.
k 29 *Hen.* 3. *Mat. Paris pag.* 882. *Ed. Lond.*

XXXIV. The Ceremonies and circumſtances at the giving this dignity in the elder times were of two kinds eſpecially, which we may call *Courtly* and *Sacred.* The *Courtly* were the *Feaſts* held at the Creation, *Giving of Robes, Arms, Spurs* and the like, whence as in the ſtories of other Nations, ſo in thoſe of ours *armis militaribus donare*, or *cingulo militari* and ſuch more phraſes are the ſame with *militem facere*, or to make a Knight. The *Sacred*, are the holy devotions and what elſe was uſed in the Church at or before the receiving of the dignity, whence alſo *Conſecrare militem*, was *to make a Knight.* Thoſe of the firſt kind are various in the memories that preſerve them, and yet they were rarely or never without the girding with a Sword, until in the later Ages wherein only the ſtroke on the neck or ſhoulder, according to the uſe at this day, hath moſt commonly ſupplied it. The antienteſt mention of any Courtly Ceremonies uſed at the Creation of a Knight with us, is in that of King *Alfred* his Knighting his Grand-child *Athelſtan*, that was afterward King. *Nam & avus ejus Alfredus* (ſaith *William* of [l] *Malmesbury*) *proſperum ei regnum olim imprecatus fuerat, videns & gratioſe complexus ſpeciei ſpectatæ puerum & geſtuum elegantiam; quem etiam præmaturè militem fecerat, donatum Chlamyde coccinia, gemmato baltheo, enſe Saxonico cum vagina aurea.* Here was a purple Robe and a Sword given. In the ſtories of the following times, often mention is of making Knights. But other Ceremonies of the Court, beſides

l *De geſt. Reg. lib.* 2. *cap.* 6.

Feaſts

England. Feasts and the giving of Arms or the girding on the Sword (and those generally expressed) are but seldom remembred. Therefore we collect here for the most part, according to the course of time, such testimonies as shew them somewhat more in particular with the Preparations for them, and other Circumstances belonging to them. *Henry* the First proposing before the Marriage of his Daughter *Maude* the Empress to *Geffrey* of *Anjou*, to Knight him at *Roan* in MCXXVII, on Whitsunday following, desires the Earl, his Father, *ut filium suum* [k] *Nudum militem* (or being but yet a young Gentleman or *Damoyseau*, or *Domicellus*, as they called such) *ad ipsam imminentem Pentecostem. Rotonagum honorificè mitteret ut ibidem cum coæquævis suis arma susceperus Regalibus gaudiis interesset.* This young Gentleman with five more of like quality attended by XXV Esquires, were Bathed according to the antient custom (saith *du Favin*, of *France*; but I cannot doubt but that *Henry* the First used the Customs that were agreeable to those of his own Country also, though he gave the order in his Duchy of *Normandy*) and then coming in Robes proper for the Ceremony, received the dignity by having Horse and Arms given them. *Illucescente die altera, Balneorum usus, uti Tyrocinii suscipiendi consuetudo expostulat* (saith *John* the Monk of *Mair-Monstier*, as *Du Favin* cites him) *paratus est. Comperto Rex à Cubiculariis quod Andegavensis & qui cum eo venerant ascendissent, de Lavacro jussit eos ad se vocari. Post corporis ablutionem ascendens Comitis Andegavorum generosa proles Gaufredus, byssо retorta ad carnem induitur, Cyclade auro texta superveslitur, Chlamide conchylii & muricis sanguine tincta tegitur, caligis holosericis calceatur, pedes ejus sotularibus in superficie Leunculos aureos habentibus muniuntur. Ejus verò consodales qui cum eo militiæ suscipiendæ munus expectabant, universi byssо & purpura innovantur. Talibus itaque, ut prætaxatum est, ornamentis decoratus Regii gener quasi flos Lilii candens Roseo superfusus rubore, cum illo suo nobili collactaneo Comitatu de secreto Thalami processit in publicum. Adducti sunt Equi, allata sunt Arma; distribuuntur singulis prout opus erat.* And there were put on *Geffry d' Anjou*, Harness of double Mail, and gilt Spurrs. A Shield of the Lions of *Anjou* was hung on his neck. A rich Helm put on his head. And an armed Spear put in his hand. And last of all a Sword was brought him out of the King's store, *ab antiquo* (saith the Monk) *ibidem signatus, in quo fabricando fabrorum superlativus Galannus multa opera & studio desudavit.* Thus armed, he mounted a Spanish Horse that was also at first given him by the King, and the Feast that belonged to this receiving the dignity (or the *festum Tyrocinii* as the like is often called in the Monks) continued seven days being honoured with Tornies and Masques.

k 27 Hen. 1. a ad Joann. m Monast. Majoris Monast ut e. scri it Favinus in Theat. Honor. lib. 3. pag 577.

And when *Thomas Sturmy* was to receive this dignity from King *John*, the Sheriff of *Hamshire* was commanded to deliver him Robes, Bed, Sheets, and other such furniture against the time of his Creation, as they are reckoned up in this Writ [l] sent to that purpose.

[l] Claus. 6. Reg. Joh Dors. Rot. 20.

Johannes &c. *Vicecomiti Southampton salutem. Præcipimus tibi quod facias habere* Thomæ Sturmy *valletto nostro unam Robam de Scarletto cum quadam Penula de byssis, & aliam Robam de viridi vel burnetta & unum Sellam, & unum par Loianorum & capam ad plumiam & unam culcitram & unum par lintheorum quando ipse fiet Miles. Et quod in his posueris, computabitur tibi ad Scaccarium. Teste meipso apud Bristoll* XVIII *die Julii Anno Regni nostri sexto.*

Per Bartholomeum *Clericum de Camera.*

King

King *Henry* the Third Knighted *Alexander* the Third King of *Scotland*, on Chriſtmas day at [o] *York* in MCCLII; and twenty more with him *Baltheo donavit militari* (ſaith *Matthew Paris*) *qui omnes veſtibus pretioſis & excogitatis, ſicut in tam celebri Tyrocinio decuit, ornabantur.* This was the day before the Marriage of the Lady *Margaret* Daughter of *Henry* the Third to him, when the Earl Marſhal demanded as his Fee the King of *Scotland*'s Horſe and Furniture. *Jus ſuum & avitam ſibi conſuetudinem inſtanter fieri flagitavit* (ſaies the ſame Authour) *ſcil. cet Paliſredum Regis Scotiæ quem pro jure vendicavit ſibi ſtratum exhiberi non pro pretio vel concupiſcentia, ſed pro antiqua conſuetudine in caſibus conſimilibus,* [p] *ne in ſuo tempore pro ſua deſidia deperiret.* But the King of *Scotland* anſwered that he conceived no ſuch Fee could be due to the Earl Marſhal from him, becauſe at his own pleaſure he might have received his Knighthood either from any other Catholique Prince, or from any of his own Subjects being Gentlemen; if at leaſt *Nobiles* may be taken in the relation of it for Gentlemen, and not for Noblemen, as according to the Engliſh phraſe it often is. The words are. *Quia ſi placeret ei potuit ipſe arma ſuſcipere à quovis Principe Catholico, vel ab aliquo Nobilium ſuorum, ſed & reverentiam & honorem tanti Principis Domini & vicini ſui, maluit ab ipſo Rege Angliæ cingulo donari* militari *quam aliquo alio.* Thereupon by the King's command the matter was at peace. A year or two after this of the King of *Scotland*, *Henry* the Third [q] being in *France*; ſent his Mandate in a Writ cloſe to *Bonacius Lombard* Maſter of his Wardrobe, *quod* Gauchero *de* Gomartin *conſanguineo* Petri *de* Subundia, *qui arma militaria ſuſcipiet in inſtante feſto omnium ſanctorum ſe tertio, honorificè inveniat neceſſaria ad militiam ſuam & ſociorum ſuorum, & eidem* Gauchero *habere faciat unum pannum ſericum ad aurum ad opus ſuum proprium.* This was dated the eighteenth of *October in caſtris ante Benages*, for a preparation of the Knighting of that *Gaucher de* Gomartin, and the two other on *All-Hallowes* day following. It is not expreſſed here what the particulars of the proviſion were. Only a piece of Cloth of Gold is eſpecially appointed for *Gomartin.* But it ſeems the reſt were of the like nature of thoſe in that before cited of King *John*, in the behalf of *Eſturmy.* For whatſoever was to be provided out of the Wardrobe in that Age was known generally by the name of *ea quæ ad militiam pertinent*, without further expreſſion, as appears both here by the words of the Writ, as alſo by others that were a few daies before ſent to the ſame *Bonacius* in the behalf of *Reginald de la Cokere*, and *Bertrand de Creſſy. Mandatum eſt* Bonacio Lumbardo (ſo is [r] the entry) *quod* Reginaldo de la Cokere, *qui in feſto ſancti* Edwardi *ſuſcepturus eſt arma militaria habere faciat ea quæ ad militiam ſuam pertinent, ſicut aliis novis militibus conſuevit inveniri.* The like Entry is for the other. And both ſhew alſo a certain uſe in thoſe times of preparation, for ſuch as were to be Knighted out of the Wardrobe, by thoſe words, *ſicut aliis novis militibus conſuevit inveniri.* And under *Edward* the Firſt all things *præter equitaturam* or their Horſe and Arms, were given them out of the Wardrobe, as we ſee in the relation taken out of *Matthew* of *Weſtminſter*, where alſo ſome particulars of their Honorary Habits are expreſſed with their Vigils, of which ſomething is in that of *Henry* the Firſt's Knighting of *Geoffrey* of *Anjou*, and more preſently is ſhewed out of *Upton*, and in the ſacred Ceremonies belonging antiently to their Creation *Ad augmentandam profectionem ſuam* (ſo are the words of *Matthew* [s] of *Weſtminſter*)

England.

[o] 35 *Hen.* 3. *M. Paris pag.* 1103. *Ed. Lond. quem videſis item pag.* 1000. *& Camd. Brit. pag.* 125.

[p] *Vide Stat. Weſt.* 1. *cap.* 46.

[q] *Clauſ. vaſc.* 37 *H.* 3. *m.* 17

[r] *Clauſ. vaſc.* 37 *H.* 3. *m.* 18 *Vide Camd. in Reliquiis pag.* 232. *& ibi clauſ.* 2 *H.* 4. *quod vide.*

[s] *Anno* 1306. *ſeu* 34 *Ed.* 1.

England. *ster) in* Scotiam *fecit Rex per* Angliam *publicè proclamari, ut quotcunq; tenerentur fieri milites ſucceſſione paterna, & qui haberent unde militarent, adeſſent apud* Weſtmonaſterium *in feſto Pentecoſtes,* [q] *admiſſuri ſinguli omnem ornatum militarem, præter æquitaturam, de Regia Garderoba. Confluentibus itaque trecentis Juvenibus, filiis Comitum, Baronum, & Militum diſtribuebantur Purpura, Byſſus, Syndones, Cyclades, auro textæ effluentiſſimè prout cuique competebat. Et quia Palatium Regale, etſi amplum, tamen ad tot occurrentium turbam auguſtum fuit, apud novum Templum* Londini *ſucciſis lignis pomiferis, proſtratis muris, erexerunt Papiliones & tentoria quo tyrones deauratis veſtibus ſe ſinguli decorarent. Ipſa quoque nocte in Templo prædicti Tyrones, quotquot poterat capere locus ille, ſuas vigilias faciebant. Sed Princeps* Walliæ *præcepto Regis Patris ſui cum præcelſis tyronibus fecit vigilias ſuas in Eccleſia* Weſtmonaſterienſi. *Ibi autem tantus clangor tubarum & tubicinum, & exaltatio eorum extiterat clamantium, quod conventus de choro ad chorum non audiretur jubilatio. Die autem craſtina cinxit Rex filium ſuum baltheo militari in Palatio ſuo, & dedit ei Ducatum* Aquitaniæ. *Princeps ergo factus miles perrexit in Eccleſiam* Weſtmonaſterienſem *ut conſocios ſuos militari gloria pariter venuſtaret. Porro tanta erat ibi præſentia gentium ante magnum altare, quod duo milites morerentur, quam plures Syncopizarent, etiam cum quilibet ad minus tres milites ad ſe ducendum & tuendum haberet. Princeps autem propter turbam comprimentem non ſecus ſed ſuper magnum altare diviſa turba per dextrarios bellicoſos ſocios ſuos cinxit.* The ſame is thus briefly remembred in the old Annals of *Ireland*; but about a hundred Knights more are added. Edwardus *Rex* Angliæ *fecit* Edwardum *filium ſuum militem in feſto* Pentecoſtes London *in quo feſto Neoptolizati* (as the print is, but the Ms. that I have uſed, hath *Neophtizati*) *fuerunt Milites circa* CCCC *&* Edwardus de Caernarvan *novus miles fecit ſexaginta milites de prædictis & tenuit feſtum* London *apud Novum Templum.* The putting on of Spurrs is alſo remembred in that of Knighting Sir *Richard Rodney* under King *Edward* the ſecond, *Anno* MCCCXVI *Dominus* Richardus de Rodney *factus fuit Miles* (ſaith an old [r] Author) *apud* Keynſham *die tranſlationis ſancti* Thomæ Martyris *in præſentia Domini* Almarici *Comitis de* Pembroch, *qui cinxit eum Gladio, & Dominus* Mauricius *de* Berkley, *ſuper pedem dextrum poſuit unum Calcar, & Dominus* Bartholomæus *de* Badileſmere *poſuit aliud ſuper pedem ſiniſtrum in Aula, & hoc facto receſſit cum honore.*

[q] *Accepturi.*

[r] *Apud* Glover Somerſet *de Nobilitate Civili. Anno* 1414.

It is commonly ſuppoſed that their Spurrs were gilt, as alſo it appears by the words anon cited here out of *Nicholas Upton* that lived and wrote under *Henry* the ſixth. And it was therefore ſuppoſed that *William Murle*, the rich Brewer of *Dunſtaple*, would have been knighted in the field by Sir *John Old Caſtle* (ſaith *Walſingham*) becauſe he brought with him two Horſes trapped with Gold, and a pair of Gilt Spurrs hid in his boſom; whence as in other Nations which is before noted, they have the names of *Equites aurati.* But I underſtand not how that agrees with an Act of Parlament under *Henry* the fifth. That whoſoever [s] gilds any ſheaths or metal but ſilver and the ornaments of the Church, or layeth any ſilver upon any metal but only upon Knights Spurrs, and the apparrel which belongeth to a Baron, ſhould forfeit to the King ten times the worth of the thing gilt, and be one year impriſoned.

[s] *8 Hen. 5. cap. 3. & Rot. Parl. 8 Hen. 5. Petit. Com. 7.*

That of Judge *Thirning* alſo which he ſpake on the Bench under *Henry* the fourth is obſervable here. *I have heard* (ſaith [t] he) *That a Lord had*

[t] *7 H. 4. fol. 8. & vide Brit. Addition. 17.*

had iſſue a ſon, and carried him to the Font, and preſently as ſoon as he was baptized, took his Sword and made him a Knight. Here we ſee the uſe of the Sword only (which it ſeems was by a gentle ſtroke with it) in the Creation. The ſtroke was in that ſort to be given (with a Sword delivered to the King or his Lieutenant that had power of Creation by him that was to be created) and that with both hands, and the name of *Knight* alſo to be impoſed at the giving it. And an antient Knight to be aſſigned that ſhould put on the Spurs on the new Knight, and perform a Vigil with him the next night. At leaſt this form was to be uſed when the dignity was given before a ſiege or in the field, as *Upton* tells us. *Creantur Milites* (ſaith he, [u] where he ſhews us alſo ſome office of the Heralds at the Creation) *per aliquem Principem, ſeu Capitaneum in villarum obſidionibus, Caſtrorum, & fortalitiorum & hoc diverſis modis. Si fortè aſſaltus fiat ſeu faciendus fuerit, tunc creandus in militem portabit gladium in manibus de principali Capitaneo ipſius obſidionis ut creet militem petens; qui quidem Princeps ſeu principalis Capitaneus capiet gladium prædictum de manibus ordinandi, & ipſum percutiet ambabus manibus dictum gladium tenendo, cum eodem nominando eum militem ſic percuſſum; qui quidem princeps tenetur alium veteranum militem eidem aſſignare qui ſibi calcaria deaurata præparabit & ſecum tranſibit ad aſſaltum faciendum. Item idem modus obſervatur in creatione militum ad Mineram. Sed veteranus Miles, cui novus tiro committitur, vigilabit nocte ſequente cum ſuo tyrone in minera ſupradicta. Item creantur milites in bellis campeſtribus & talibus conflictibus ubi idem modus creationis obſervatur qui in aſſaltibus exercetur. In honeſtate tamen eſt quod Rex Haraldorum, ſi ibidem fuerit & in ejus abſentia alius Haraldus major in exercitu prius congreget creandos in milites, & eos coram Principe illius exercitus [x] requiretque eundem ut productos in milites creet, qui quidem princeps ut prædictum eſt accipiet gladium de manibus alicujus creandorum & facit ut ſuperius dictum eſt. Fiunt etiam milites in alio modo videlicet cum aliquis notabilis Princeps conquirere nititur terras ſui inimici cum juſto titulo; Rex Haraldorum ſi præſens fuerit & in ejus abſentia alius ut prædixi colliget creandos ſi quos noverit & eos ducet ad Capitaneum principem in primo ingreſſu in terram ſupra prædictam, eundem requirens ut eſt dictum, qui quidem princeps per omnia faciet ſicut primo ut prius dixi. Idem modus creationis obſervabatur in aliquo paſſagio periculoſo alicujus ripariæ, ſeu Pontis ubi tranſitur de una terra in aliam ſive de una marchia in aliam. Iſti prædicti modi habentur in uſu, & ſi plures modos inveneris honeſtos, eos audacter obſerva.* But in the later ages only a gentle ſtroke with the Sword on him which is to be knighted kneeling, with the words *avancez Chivaler au nom de dieu*, and *avamez Chivaler* or the like ſpoken or manifeſted by the King, or thoſe that have authority from him, are the uſual Ceremonies. The known Title of *Sir* prefix'd, with us, to the Chriſtian name in compellations and expreſſions of Knights ſo created, is very antient, and in *Edward* the firſt's time was ſo much taken to be parcel of their names, as that the Engliſh *Jews* in their *Ebrew* Inſtruments or *Starrs* (as they are called obviouſly in the Records, from שטר *Shetar*, which they pronounced then *Star*) retain'd it and wrote it שיר *Sir*, without interpreting it by any word of their own as they do who in Latin expreſs it by *Dominus*. An example of it in the names of Sir *Adam* of *Stratton*, and of Sir *Stephen Cheinduit*, is in this *Starr* or Releaſe of

England.

[u] *De re Militari Ms. libri Cap. 3.*

[x] *Deeſt fortè duces.*

England. *Chaiim* a *Jew* of *Lincolne*, which, out of the Records of the Exchequer, I represent here.

אנו החתום מטה מודה הודאה גמורה שפטרתי ומחלתי לשו אדאם משטרשונא וליורשיו ולבאים מחמרו כל מן וחביעה ועיטור שיש לי ושיכור להיות ליעד המלון משטנמירא הקטנה בפלך מידלשצץ שהאדם הנקו' מחזיק זאת לדעת בקרקע ובאחו ובמרעה ובאגם עם כל האפורטניצץ שמקדם היה לשו' אשטייבנא מקינדוש בבן שלא אני ולא יורשו ולא שום אחר בעבודו יכולין לחבוע או לערער על שו' אדאם הנקו' או על יורשיו או על הבאים מכחו על המלון הנקו' עם כל האפורטניצץ הנקו' בעלילת שום חוב שהיה אשטייבנא הנקו' הייב לי או לשום יהודי אחר מבריאת עולם עד סזפו ואם שום יהודי בעולם יבא לחבוע או לעיער על שו' אדאם הנקו' או על היורשיו או על הבאים מחמרו על המלון משטנמירא הנקו' עם האפורטניצץ הנקו' בעלילת שום חיב שהוה אשטייבנא מקינדוש הנקו' חייב לו או לשום יהודי אחר בעולם מבראת עודם עד סיפו עלי ועל יורשי בחראו להגינם ולהצולם ולפוטרם נגדכל הסעיערים וזות חתמתי חיום דניקול

In Engliſh.

I, *whoſe name is under ſigned, do fully and clearly acknowledge that I have releaſed and acquitted to* Sir Adam of Stratton, *and to his heirs, and to the iſſue of his body, all kind of demands and ſuits which I have or may have againſt the Lordſhip of* Stanmere *the leſs in the County of* Middleſex, *which the ſaid* Adam *is known to poſſeſs in Land, in Meadow, in Paſture, and in Ponds, with all the Appurtenances, which heretofore was* Sir Stephen of Cheynduit's, *ſo that neither I my ſelf nor my heirs nor any other in my behalf may make any demand or ſue againſt the ſaid* Sir Adam *or his heirs, or any iſſue of his body, for the ſaid Lordſhip with all the appurtenances aforeſaid by reaſon of any debt due to me from the ſaid* Sir Stephen *or to any* Jew *from the beginning of the World to the end thereof. And if any* Jew *whatſoever ſhall go about to make any demand or commence any ſuit againſt the aforeſaid* Sir Adam *or againſt his heirs, or againſt the iſſue of his body, for the Lordſhip of* Stanmere *aforeſaid with the Appurtenances aforeſaid, by reaſon of any debt due to me from the ſaid* Sir Stephen of Cheynduit, *or to any other* Jew *whatſoever from the beginning of the World to the end thereof, It ſhall lie on me and my heirs after me, to defend them, ſave them harmleſs, and diſcharge them againſt all ſuits. And this I have ſigned*; Chajim of Nicol.

In the Original (which is kept in the Office of Receipt of the Exchequer) there is thus much noted only for the contents of it.

Iſtud Starrum fecit Hagm. *fil. Magiſtri de* London, *Domino* Adæ de Stratona, *de acquietantia de* Stanmere *de omnibus debitis in quibus* S. de Cheynduit *ei tenebatur, Ita quod idem* Judæus *nec hæredes ſui nihil exigere poſſint de prædicto* Ada *nec de hæredibus ſuis ratione terræ de* Stanmere *de prædictis debitis.*

Chajim

Chajim is the same name that is *Hagm.* here. The guttural letter *Cheth* bred the variety of sound and writing. *Nicol* is the same with *Lincolne*, as it occurrs often in our year books also, which stands well enough with his being called in the Latin *filius Magistri de London.* For as *Lincoln* shewed his place of usual abode, so the other expression his parentage. And *Magister de London*, I conceive, denotes some great *Rabbi* that was singularly eminent in the *London* Synagogues of that time, that he was sufficiently known to the Christians by the name of the *Rabbi* of *London.* It might well be the famous *Rabbi Abraham Abenezra* who lived in *London* till near the end of the *Jewish* State here, which was about the middle of King *Edward* the first. He wrote in *London* his אגרת שבת or his *Epistle concerning the Sabbath*, and there were in *London* at that time with him קרוב לשני אלפים בחים כלם אנשים בעלי חכמה ועושר *about* MM *masters of families of them, all men of note, for wisdom and wealth*, as the words are of *Rabbi Salomon Ben* [e] *Wirga.* The word שי, written with omission of the last letter, as their course is when it is so known a word that they cannot doubt but every Reader will supply the defect, is for שיר that is *Sir*, as נקו for נקוב, that is, *the said.* The signing is in the hand of the Releasor, that is, those words וזיות חתמתי וגו *and this I have signed &c.* Our law word *Appertinentiis* is also retain'd in it, in *Ebrew* Characters. The rest is of the stile of their Lawyers; and for the most part in the same orthography. But the words עיעור *Ajaur* and עיערים *ajairim* and לעיער *lajair* which signifie *suits* and *to sue* in their Rabbinical language, should every of them rather have had inserted here another radical *Resch*, thus, עירעור *Airair*, עירערים *Airairim*, and לעירער *Lairair.* For so is the use among their Lawyers, though perhaps it was in that age in speech and such instruments omitted by reason that indeed it makes the word rougher in pronunciation. And I have by me a Deed of Exchange somewhat antienter than this *Starre* made of certain lands in **Empingham** by *Thomas Capellanus de* **Empingham** (as appears by the Seal; being only stiled *Thomas Capellanus* in the Deed) to one *Ralfe* of *Normanvil*, in lieu of other lands there, to the Seal of which is fixt with a label a little *Starre* with the word עירודים for *Suits* written as it should be. For the rarity of that kind with us, I add it here also.

England.

[e] *In Sepher* שבט יהודה *fol.* 19. a.

ידע לכל שוצל מינורמאביל פשור הוא ויורשיו ממני ומיורשי מכל חובות וכל עירעירים שפעלם מבריאת העולם עד קדושים שנת טו למלך המנינו הסלך הנדי שיחי' ומה שהוריתי שהוריתי בחבתי וחתמתי ממיו בן דוד

Know all men, that the Chaplain of Normavil *stands discharged, both he and his heirs, from me and my heirs, of all debts and of all suits which have had their ground* or occasion *from the beginning of the world to the Coronation day of the fifteenth year of the King that is ordained over us, King Henry*, whom God preserve; *And what I have determin'd, I have written and signed*; Mamio Ben David.

This *Thomas* the Chaplain had been, I conceive, before known by the Name of the Chaplain of *Normanvile*, and that then he had this Release from *Ben David* which was annext to the Deed as part of the assurance of the other party. I confess, I have not observed the word שול any where to denote any such thing as a *Chaplain.* But because it might be deduced well enough from צלא or צלה which is *to pray*, and so made a word fit to denote *a Chaplain*, and for that also the circum-

stance

England. ſtance of perſons ſeem to perſwade that it is meant for one, I have adventured to turn it ſo. But theſe things by the way.

This dignity of Knighthood occurrs alſo ſometimes, as if given by Patent. In a Roll at the Chappel of the Rolls, titled *Diverſi tractatus Amicitiarum tempore* Jacobi *Regis*, it appears that Sir *Jacob Van Einden*, a Low Country man and Governour of the Town and Caſtle of *Wourdane*, was knighted by King *James*, and an addition, in teſtimony of it, given to his Arms. And this is there expreſt by Letters Patents made to him dated 27 *Decembris* 1610, as if the very Patent had created him. For, after a little preamble of his merit, follow theſe words, *Propterea tenore præſentium Equeſtris ordinis ſive Equitis aurati gradu, titulo, & dignitate illum donamus; quod ut omnibus clarum innoteſcat*, the addition is made to his Coat. *Donamus* might ſeem to imply that the great Seal thus made a Knight. But in the ſame Roll others have Patents as teſtimonies of their Knighthoods with the word *donavimus*, as ſuppoſing the giving of the Knighthood paſt before the Patent. So there, *Cornelius Hoffman* a Low Countryman. And ſo likewiſe in one kind of form, four of the ſame Nation, that in 1610, were ſent Embaſſadors from the States of the united Provinces, had ſeveral Letters Patents of teſtimony of it, that is, *Albert Joakim* one of the Deputies for the States of *Zeland*, *Hely Van Olden Barnevelt*, Doctor of Law, *Syndick* and Counſellor of *Roterdam*, *John Berke* Doctor of Law, and *Syndick* and Counſellor of *Dort*, and *Albert de Veer* Doctor of Law, and *Syndick* of *Amſterdam*. The words were after a little preamble of the merit of him that was knighted, *Propterea Equeſtris ordinis ſive Equitis aurati gradu, titulo, & dignitate illum donavimus. Quod ut omnibus clarius innoteſcat, utque ipſe Equitis aurati numero & loco (ita ut æquum eſt) ubiq; locorum habeatur & cenſeatur, hiſce jam literis palam teſtamur & profitemur adeoq; etiam ut ipſum hoc diplomate noſtro ratum & confirmatum eſſe volumus prænominatum* N. *Equeſtris ordinis dignitatem, honorem & titulũ, ultro à nobis donatum atq; inſignitum eſſe. Ideoque illud ab omnibus tum Regiæ noſtræ dignitati atque autoritati tum ipſius meritis deberi ut eo numero & loco apud populares ſuos & uſquam alibi perinde habeatur ac nos quoſvis alios præſtantes viros ſimili honore ab aliis Regibus ornatos & condecoratos ſumus habituri. Teſte &c.*

XXXV. The Sacred Ceremonies antiently uſed, in giving this dignity with us, are firſt mentioned by *Ingulphus* that lived at the Conqueſt. He ſpeaks of them as being in uſe with the Engliſh *Saxons* before his time. And ſhews us that a ſolemn Confeſſion, a Vigil in the Church, Receiving the Sacrament after an Offering of the Sword on the Altar and redemption of it, and the Biſhops, Abbots, Monks or other Prieſts putting it on him that was to be created, concurred at the making of a Knight. And how likely it is that the moſt or ſome of theſe were alſo then uſed when the Creations were by Kings or other lay perſons, I leave to better Judgment. Touching which alſo obſerve what is anon cited out of *Johannes Sarisburienſis*, *Petrus Bleſenſis* and others for the ſucceeding ages, beſides that before cited out of *Florilegus*, and *John* the Monk of *Mair-Monſtier*. The relation in *Ingulphus* is upon the occaſion of *Brand*, Abbot of Saint *Edmond's Bury*, his knighting of *Heward* an Engliſh Gentleman of *Lincolnſhire*, and Lord of *Brunne* in that County, together with ſome other ſuch

as

as upon his return out of *Flanders* (where he had lived in Exile by judgment againſt him under *Edward* the Confeſſor) he had gotten to be of his part for the recovery of his inheritance, which the Conqueror had, after the death of his Father, given away to one of his *Normans*, and alſo for the reſcue of his mother from the ſufferings in the common calamity which by that forrein Nation was then brought upon moſt of the Engliſh. *Audiens in* Flandria *terram* Angliæ (ſaith he ſpeaking of this *Heward*) *alienigenis ſubjugari, ſuamq; paternam hæreditatem, mortuo patre ſuo* Leofrico, *munere Regio, cuidam* Normanno *donari, matremq; viduam* (her name was *Ediva*; and ſhe was deſcended lineally from *Oſlac* a great Ealdorman in the time of King *Edgar*) *multis injuriis & maximis moleſtiis affligi, fractus digniſſimo dolore cum* Thurfrida *ſua uxore* (ſhe was a Gentlewoman of *Flanders* whom he had married there) Angliam *advolat, collectaq; cognatorum non contemnenda manu ſuper matris injuriatores gladio fulminat, & de ſua hæreditate procul fugat & eliminat. Conſiderans etiam tunc fortiſſimis viris ſe præfectum, nonnulliſq; militibus præpoſitum, ac nec dum militari more balteo legitime ſe accinctum: aſſumptis ſecum de ſua cohorte pauciſſimis ſimul legitimæ militiæ cum eo tyronibus conſecrandis, patruum ſuum tum Abbatem* Burgi *nomine* Brandum, *virum valde religioſum, & (ut audivi ex prædeceſſore meo Domino* Wulketulo *Abbate, aliiſque multis) pauperum cleemoſynis valde deditum, & omnibus virtutibus adornatum adiit, & ſe fieri legitimum militem, præmiſſo primitus omnium peccatorum confeſſione, & eorum percepta abſolutione inſtantiſſime ſupplicavit. Quoniam* Anglorum *erat conſuetudo, quod qui militiæ legitimæ conſecrandus eſſet, veſpera præcedente diem ſuæ conſecrationis ad Epiſcopum, vel Abbatem, vel Monachum, vel Sacerdotem aliquem contritus, & compunctus de omnibus ſuis peccatis confeſſionem faceret, & abſolutus orationibus, & devotionibus & afflictionibus deditus in Eccleſia pernoctaret: in craſtino quoque Miſſam auditurus, gladium ſuper Altare offerret & poſt Evangelium Sacerdos benedictum gladium collo militis cum benedictione imponeret: & communicatus ad eandem Miſſam ſacris Chriſti myſteriis denuò miles legitimus permaneret.* *England*

But this form of receiving of Knighthood was much diſliked by the *Normans*, ſaith the ſame Author. *Hanc conſecrandi Militis conſuetudinem* Normanni *abominantes* (ſo are his words) *non Militem legitimum talem tenebant ſed ſocordem Equitem & Quiritem degenerem deputabant.* And he ſays alſo that they changed it; *Non tantum hunc morem, ſed alias etiam conſuetudines* (ſaith he) *immutabant.* But whatſoever he meant by their changing of it; The offering of the Sword at the Altar and other of theſe ſacred Ceremonies, continued in the following Ages. For that of Offering the Sword at the Altar; *Johannes Sariſburienſis* having ſhewed the nature of the antient military oath in the Empire, and that they who took it were bound to the defence of the Church, goes on with, *Licet* [y] *autem ſint qui ſibi non teneri videntur Eccleſiæ ex ſacramento ſolenni, quia jam ex conſuetudine plerumq; non præſtatur, nullus tamen eſt qui ſacramento tacito vel expreſſo Eccleſiæ non teneatur obnoxius. Et ſortè ideò ceſſat ſolennitas juramenti, quia ad hoc omnes invitat & coarctat neceſſitas officii & ſinceritas fidei. Unde jam inolevit conſuetudo ſolennis, ut ea ipſâ die qua quiſque militari cingulo decoratur, Eccleſiam ſolenniter adeat gladioq; ſuper altare poſito & oblato quaſi celebri profeſſione facta ſeipſum obſequio altaris devoveat & gladii, id eſt, officii ſui jugem Deo ſpondeat famulatum, neque neceſſe*

[y] *De Nugis Curial. lib. 2. c. 10.*

eſt

England. *est ut hoc profiteatur verbo, cum legitima professio militiæ facto ejus videatur inserta. Quis enim in homine illiterato, & qui magis Arma debeat nosse quam literas professionem exigat literarum* (some copies have *literatam:*) *Nam & ipsi Episcopi & Abbates professione scripta vel dicta ad fidem & obedientiam videntur arctari. Et revera arctantur. Quia Deo mentiri non licet. Sane aut plus est aut non minus, quod Milites faciunt, qui non scedulam sed gladium offerunt, et quasi primitias officii redimunt ab Altari unde Ecclesiæ in perpetuum famulentur. Nam sicut eis pro Ecclesia plurimum, ita contra Ecclesiam licet nihil.* And in another [z] place, *sunt autem plurimi qui malorum clamore operum quando Militiæ consecrandi cingulum Altari obtulerunt, videntur protestari se eo tunc animo accessisse ut Altari, & Ministris ejus, sed & Deo qui ibi colitur, bellum denuntiarent. Facilius crediderim hos malitiæ execratos quam ad legitimam militiam consecratos.* So *Petrus Blesensis* that lived in the same age with *Sarisburiensis* under *Henry* the second; *Hodie* [a] *tyrones enses suos recipiunt de Altari: ut profiteantur se filios Ecclesiæ atq; ad honorem sacerdotii, ad tuitionem pauperum, ad vindictam malefactorum & patriæ liberationem gladium accepisse. Porro res in contrarium versa est. Nam ex quo hodie militari cingulo decorantur, statim insurgunt in Christos Domini & desæviunt in patrimonium crucifixi.* This offering of the Sword with some of the rest of the sacred circumstances belonging to it, was it seems used also in the Vigil held at Westminster and the Temple under *Edward* the first, before the dignity received in the example before shewed out of *Florilegus*, and in that of *Geoffrey d' Anjou*; the Vigils being (as I think) but a general name to express the sacred Ceremonies which preceded the knighting done by the King, and his son Prince *Edward.* To these we add that of the *Benedictio ensis novi Militis*, which is commonly found in the [b] Manual (or Common Prayer book of the elder ages) among other Rites of the English Church before the Reformation.

z *Ibid. cap* 13.

a *Epist.* 95.

b *Manual Antwerp. Ed. fol.* 49. *Videsis Agenda Ecclesiæ Argentinensis fol.* 29.a.

Benedictio Ensis novi Militis fiat hoc modo, genu flectente ipso Milite coram Altari.

Primò dicat Sacerdos sine nota, Dominus Vobiscum, & Oremus.

Deus cunctorum in te sperantium protector, adesto supplicationibus nostris, & concede huic famulo tuo qui sincero corde Gladio se primo præcingere nititur militari: ut in omnibus galea tuæ virtutis sit protectus: et sicut David *et* Judith *contra gentis suæ hostes fortitudinis potentiam et victoriam tribuisti, ita tuo auxilio munitus contra hostium suorum sævitiam victor ubiq; existat, et ad sanctæ Ecclesiæ tutelam proficiat. Per Christum Dominum nostrum. Amen.*

Alia Oratio, cum Oremus.

Deus qui trinos gradus hostium post lapsum Adæ *toto orbe terrarum constituisti, quo plebs tua fidelis immunis ab omni impetu nequitiæ secura et quieta permaneret: adesto supplicationibus*

cationibus nostris et hunc Ensem quem invocatione tui sanctissimi nominis benedictione bene✠dicere dignare : ut famulus tuus cui eum, te largiente, concedimus ac accingimus, sic eo utatur (Hic succingat Sacerdos Militem cum Ense) *quatenus et hostes Ecclesiæ insidiantes reprimat et seipsum ab omni inimico tua protectione potenter defendat, Per Christum.* England.

Deinde aspergat Sacerdos Militem Ense succinctum aqua benedicta & recedat Miles in nomine Domini.

XXXVI. For our Feudal Lawes, by which Supplies or pecuniary Aid is to be given when another is to be created into it ; there is frequent mention in our Law Books of *Reasonable aide a faire fits Chivaler*, that is, certain sums of money levied on the Tenant to make the son and heir apparant of the Lord a Knight. For the Ceremonies, Preparations and other circumstances were such antiently at the receiving of the dignity (as is before shewed) that such an Aid might have place enough in the charge of it. Before the time of *Edward* the first, the King and every other Lord, at least that was a Knight himself (for the Author of the Book called [c] *Breton*, that wrote about the time of *Edward* the first, says that it is a good barr to the Avowry for this kind of Aid, to plead that the Father himself is not a Knight) might have levied this Aid by distress according to such an arbitrary moderation as stood with the quantity of the charge so to be expended, and with the estate of the tenant, *ne nimis inde gravari videretur vel suum contenementum amittere*, as the words are in the *Book attributed to *Glanvile*. And such respect to the Lord and Tenant was to be had in the moderation. *Ut auxilium accipienti cederet ad commodum, & danti ad honorem*, saith [d] *Bracton*. Thence it was then called *rationabile auxilium*, or *such an aid as was to be levied with reason*. As in the grand Charter of King *John*, where it is remembred together with the aides for Ransom and for marriage of the eldest daughter. *Nos non concedemus de cætero alicui quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum, et ad faciendum primogenitum filium suum Militem, & ad primogenitam Filiam suam semel maritandam.* And there is mention enough in our published Law Books, of these two Aids, for knighting the son and marrying the daughter, but none as far as I remember, for ransom of the Lord, though (by the way) in the Ms. years [e] of *Edward* the first, a release made by one *Robert* of *Bentham* to the Abbot of *Ford*, of all services, *forspris suit real & reasonable aide, pur luy raindre hors de prison ou ces heires quel heure qu'ils fuissent enprisones*, is pleaded in barr to an avowry. But in the third year of *Edward* the first, it was enacted by [f] Parlament that the value of the Aid to be levied should be no longer arbitrary, but that every tenant of a whole Knights Fee should pay to his Lord twenty shillings, and but the same sum should be levied of a tenant that held lands in socage of the yearly value of twenty pound, and so *pro rata* ; but that none of it should be levied until the son were of the age of fifteen years which was reputed a fit time enough to receive the dignity or *l'aage pur ordre de Chivaler prendre*, as the Author of *Breton* [g] calls it. That statute which thus altered the antient Law that allowed this aid to be arbitrary according to the dignity of the Lord

[c] *Chap. des prises des avers.*

* *Lib. 9. cap. 8.*

[d] *Lib. 2. de acquirer. Dom. cap. 16. §. 8.*

[e] *21 Ed. 1. fol. 66. in Codice meo. & videsis si placet Chopin. de Domanio lib. 3. tit. 4. §. 10.*

[f] *Weſt. 1. c. 36.*

[g] *Chap. des prises des avers.*

England. and eſtate of the tenant, extended only to ſuch Lords as were common perſons, and the King was, notwithſtanding it, at the former liberty, and levied aids of this nature afterward [h] by a higher rate. Therefore was the ſtatute of the five and twentieth of *Edward* the third [i] made by which alſo the King's caſe, for this kind of aid, was made in the like condition with the caſe of a common perſon. But our Books ſay [k] that land held as antient demeſne, and by grand or petit Serjeanty are not ſubject to the payment of this aid, though in truth grand Serjeanty, be alſo Knight ſervice, and petit Serjeanty, Socage. And of the particulars which concern the Creation of Knights hitherto.

h *Rot. Parl. 20 Ed. 3. art. 45. alibi item.*
i *25 Ed. 3. cap. 11. Rot. Parl. 25 E. 3. art. 29*
k *11 Hen. 4. fol. 31. 10 Hen. 6. tit. Avowry 256. & tit. Ancient demeſne 11.*

XXXVII. Beſide the dignity that neceſſarily accompanies their ſolemn profeſſion of Arms, and that which was due to them naturally, as they had relation to the field, they have had alſo with us peculiar Reſpects and Notes of honour which occurr in the legal proceedings of the Kingdom. The grand aſſiſe in a Writ of right which is as a Jury, (and the higheſt tryal by oath that is in the Law) is to be choſen by Knights, and out of Knights, if they can be found. And none [l] elſe of leſs quality ſhould either chuſe or be choſen unleſs there be not Knights enough to fill the aſſiſe. Upon an Eſſoin alſo *de malo lecti*, the antient Law was, that four Knight were [m] to be ſent to take view of the defendant. And it was not ſufficient if the Sheriff ſent Eſquires or any that were of leſs dignity. *Milites enim eſſe debent* (ſaith *Bracton*) *propter verba brevis.* For the Writ to the Sheriff is expreſly to ſend *quatuor Milites* which are there taken, it ſeems for honorary Knights. Upon trials alſo in actions where a Baron of Parlament is Plaintiff or defendant, the Baron may juſtly challenge the pannel, [n] unleſs one Knight at leaſt be returned of the Jury; which, though it be a privilege to the Baron, yet it is an honor to the order of Knighthood, ſeeing no ſuch trial can be legally had (the Baron making his challenge) if one Knight at leaſt be not among the Judges of the fact. That alſo in *Breton* is here obſervable touching the puniſhment of a Ruffian that had without cauſe ſtroke a Knight, by the loſs of his hand wherewith he ſtroke him, though I remember not an example of it in practice. *Aſcuns treſpaſſes* (ſaith the Author [o] of that Book, ſpeaking in the perſon of King *Edward* the firſt) *ſont nequedent plus puniſſables, ſicome treſpas fait en temps de peas a Chivalers ou a autrez gentz honorables par Ribaus & par autres viles perſones, en quel cas nous volons que ſi ribaud ſoit atteint a la ſuite de cheſcun Chivaler que il eit fern per felonie ſans deſert de Chivaler, que le Ribaud perd ſon poin dont il treſpaſſa.* But in the *Pipe* Rolls of *Henry* the ſecond, one is fined at a hundred pounds for ſtriking a Knight (neither doth the Roll mention him by his own name but only by the title of *Miles*) and another at forty marks, becauſe he was preſent when the Knight was compelled to ſwear that he would not complain of the injury done to him. *Hakelinus filius* Joſcii Quatrebuſches (ſaith the * Roll) *debet* C *libras ut ſit quietus de hoc quod Militem percuſſit.* Moyſes *de* Cantabrigia *reddit computum de* XL *Marcis, quod confeſſus eſt ſe interfuiſſe ubi Miles ille coactus fuit affidare quod non oſtenderet injuriam ſibi illatam. In theſauro* XX *Marcæ, & debet* XX *Marcas.*

l *39 E. 3. fol. 2. 7 Hen. 4. fol. 3. & 20. Brit. Droit de recto 18. 15 Ed. 4. fol. 1.*
m *Bracton. lib. de Eſſoniis &c. 3 Hen. 3 tit. Eſſoin 186. 5 H. 3. eod. tit. 187. 14 H. 3. eod. tit. 190. Regiſt. orig. fol. 8, & 9.*
n *13 Ed. 3. tit. Challenge 115. & Enqueſt. 43. 8 Eliz. Dier fol. 246. 14 Eliz. fol. 318. & Plow Comm. 27. Newdigats caſe 27 H. 8. fol. 22.*
o *Chap. d' appele des maihems.*
* *Rot. Mag. 29 H. 2. London. Placita Ranulphi de Glan. illa.*

By the antient Law alſo, it ſeems, the *Equitatura* or Horſe and Armour of a Knight that lived in a noble reputation, and was ever

ever ready to do the King and Country ſervice, privileged from Executions of *fieri faciæ*, or *levari facias*, although they were to levy the King's debts; and if the Knight were in the King's pay and diſhonourably abſented himſelf when his aid was required, all that he had was then ſubject to the execution ſaving one horſe which was to be left him *propter dignitatem Militiæ*. And though he ſo lived that he were neither ready for any publick imployment of Arms, nor had diſhonorably declined any ſuch imployment, yet ſuch of his Horſes as were for his ordinary uſe were ſpared, and what elſe he had was ſubject to the execution. For thus it is delivered in that Dialogue of the Exchequer [p] attributed to *Gervaſius Tilburienſis*, written about the time of King *John*. *Nota quod ſi debitor ille qui ſolvendo non eſt* (ſaith the Author, ſpeaking of levying the King's debts by proceſs out of the Exchequer) *Militiæ cingulum ſemel obtinuerit, venditis cæteris, Equus tamen ei non quilibet, ſed uſus uſualium reſervabitur, ne, qui dignitate factus eſt Eques, Pedes cogatur incedere. Quod ſi miles ejuſmodi fuerit quem juvat Armorum decor et juvat uſus eorū, et qui meritis exigentibus debeat inter ſtrenuos computari, tota ſui corporis armatura cum Equis ad id neceſſariis à venditoribus erit liberrima ut cum oportuerit ad Regis & Regni negotia armis et Equis inſtructus poſſit aſſumi. Sed ſi hic idem cui lex in parte pepercit, audita neceſſitate Regis vel Regni deliteſcens ſe abſentaverit, vel ad hoc vocatus non venerit, ſi tamen non propriis ſed Regiis ſtipendiis militet et evidenter abſentiā ſuā non excuſaverit, nec ab hiis venditores temperabunt, ſed ſolo contentus Equo* (*propter dignitatem Militiæ*) [q] *ſibi relicto juri communi vivat obnoxius.* And thus Equitature of a Knight, was as his *Contenementum* or **Countenance** [r] as it was antiently called.

England.

p *Ms. in Receptu Scaccarii. Videſis Weſtm. 2 cap. 3. & Regiſt. Orig. fol.* 100. & ſorte hinc diſcendum quid Equitatura illic denoter.

q *Vide Mag. Chart. cap.* 14.

r *Stat. 2. 1 Ed. 3. cap. 4. ubi male* Continuence, *in nonnullis editionibus legitur.*

Some learned men have conceived alſo that the right uſing a Seal [f] was peculiar to them that had received this Knighthood. They take their conjecture from the relation of the ſealing of a Charter of confirmation made by *Richard* Earl of *Cheſter* under *Henry* the firſt, and the Counteſs Dowager the Lady *Ermentrudis* his mother to the Abbey of *Abingdon*. It occurrs in an old leiger [t] of the Abbey where it is ſaid that the Earl ſealed it with his mothers ſeal, and the reaſon is given; *Nondum enim militari balteo cinctus eſt.* And it is added too, that *literæ quælibet ab eo directæ materno ſigillo includebantur.* But what ever the meaning of this may be, we are ſure by the expreſs words of *Ingulphus* that the uſe of Seals were promiſcuous [u] in *England* to perſons of all qualities that would uſe them, and that immediately after the coming of the *Normans*; although it be true that divers Charters were for a little time made only with the ſubſcriptions of names and croſſes according to the *Saxon* manner. And ſo much alſo was a known Law under *Henry* the ſecond (which was not long after the time of *Henry* the firſt) if at leaſt we may believe that book attributed to *Randall de Glanvill*. *Si debitor* (we read [x] there) *cartam ſuam non advocat, duobus modis eidem contraire vel contradicere creditor poteſt, ſcilicet ipſum ſigillum in Curia recognoſcendum ſuum eſſe &c.* Other teſtimonies [y] are to that purpoſe. And it plain by [z] *Bracton* that they were frequent, and one of the eſſential parts of every deed according to the known Law, not only of this but of his time (which was under *Henry* the third) although yet ſome learned men being miſperſwaded by a report of Sir *Richard Lucie*, Chief Juſtice of *England* under *Henry* the ſecond, his finding fault with a man of mean condition for uſing a Seal, and ſome other as ſlight teſtimonies have thought [a] that the uſe of them was not lawful for

f *Vide ſupra cap. 3. §. 24.*

t *Ms.*

u *Ingulph. pag.* 901. *Ed. Fr.*

x *Glanvil lib.* 10. *cap.* 12.

y *Videſis* 33 *Hen. 2. apud Coke in præfat. ad lib. 3.*

z *De acq. rer. dom. cap.* 16. §. 12.

a *Videſis Lambard. in Itin. Cantii p.* 485.

England. all men until about King *Edward* the third. It may be that fault might be juſtly found with one for uſing anothers Seal, (which was held as a forgery) or for uſing a Seal of Arms proper only with us to Gentlemen at leaſt, who had ſometimes their great Seals and leſs Seals, the one being, it ſeems, their Seals of Arms, the other ſome deviſe without a Scutcheon. But, that any perſon might not have uſed a Seal in the nature of the leſs Seal of Gentlemen, I think, can never be proved. For that of the great Seal and the leſs Seal, obſerve by the way this teſtimony of *John de Burgo* under *Henry* the third. *Johannes de Burgo* (ſaith an entry on a Roll of [b] that time) *cognovit quod apposuit parvum ſigillum ſuum cuidam ſcripto quod fecit Decano & Capitulo de Lichefeud, de confirmatione & quieto clameo de advocatione de* Herdel, *& apponet ſigillum ſuum magnum prædicto ſcripto circa tertiam ſeptimanam poſt Paſcham.* And that of the Earl of *Cheſter*, is only a note of a Monk after the entry of the Charter of Confirmation and no part of the body of the Charter. And in regard that I ſee no other teſtimony of antient time to ſecond it with the like, I ſhould think that the Monk was either groſly deceived in his reaſon of *Nondum enim militari balteo cinctus eſt*, or elſe that he meant only that the Earl was a child within age, and that by reaſon of his minority, wardſhip, and the tuition of his mother (who joyneth with him in the Charter) her Seal was only uſed to it, as alſo to his letters. For it was done (as appears in the leiger) in *May* the ſixth year of *Henry* the firſt, or MCVI, that is, about three years after the death of Earl *Hugh* father to this Earl *Richard*, when by all likelihood he was yet under age. And he was *adhuc juvenis* (as *Ordericus* [c] twice calls him) when he was drowned, paſſing over from *Normandy*, together with Prince *William* ſon and heir apparant to King *Henry* the firſt, and divers other, in MCXIX at which time he had been about thirty five years old at leaſt, if he had been one and twenty, or of full age when he ſealed this confirmation at *Abingdon*. Now the Law being, that whoſoever was Knighted, though before the age of one and twenty, was of full age in regard of any Wardſhip or any other tuition (as preſently is further ſhewed) and the uſe being that ſuch great Lords were Knighted often before they were of that age, and ſo had their full age ſupplied, and that perhaps alſo, while they were in ward, they uſed only their Guardians Seals, leſt the authority of a Seal of their own, before they had diſcretion to uſe it, might have done them prejudice in point of honor at leaſt, if not in matter of profit; It is likely enough that the Monk here took the phraſe of *being not Knighted*, to ſerve for *being not of full age*. So that the having of a Seal was not peculiar to this order of Knighthood, but to ſuch only (of what condition ſoever) as were of full age. But I leave it to better judgments. That having a ſupply of full age by receiving the dignity is alſo ſpecial honour given to Knighthood. For though it be regularly ſuppoſed in Law, that no heir of a Tenant by Knight's Service is able to do the ſervice himſelf, until he be of the age of one and twenty years (which is the reaſon and ground of all our Wardſhips of male heirs) yet if any ſuch be knighted, either in the Tenants life time, or after his death, of what age ſoever he be, he is adjudged for that purpoſe only as of full age, and the Wardſhip of his body in the one caſe is prevented by it, and, in the other, ends with it. For in regard that, by the Laws of Honour, he is adjudged to be a Knight; Therefore, by the common Law he is likewiſe adjudged ſo able

to

[b] *Hill. 44 Hen. 3 Placit. apud Weſtm. Rot. 28 Stat. in arce Lond.*

[c] *Eccleſ. hiſt. lib. 4 pag. 522. B & lib. 12. pag. 870. A.*

to do the ſervice, as that his body needs no further tuition of a Guardian over it. And ſo is the Law at this day [d] in practice, and alſo it was ſo antiently as we ſee by the grand Charters, both of King *John*, and *Henry* the third, where we read, *Si hæres infra ætatem fiat Miles, nihilominus terra remaneat in cuſtodia Dominorum ſuorum uſque ad ætatem* XXI *annorum*, that is, though the wardſhip of the body be ended (in the caſe of Knighting after the death of the Tenant by receiving the order of Knighthood) yet the Land continues to the Lords, until the full age of the heir, as if he had not received the order. From this reaſon was it that under *Henry* the ſecond, ſome are fined for procuring others than the King (for ſo I underſtand it, according to the Law of that time) to knight any of the Kings Wards, whereby he loſt his Wardſhip of the body. *Avellina de Ria* (ſaith [e] a Pipe Roll of *Henry* the ſecond) *reddidit compotum de* C *&* XLVI *lib. &* XIII *ſolid. &* IV *denar. quod fecit filium ſuum Militem, qui erat in cuſtodia Regis. In Theſauro* XX *Marcæ & debet* CLIII *lib. &* VI *ſol. &* VIII *denar.* Other like are.

England.

[d] 5 *Jacobi*, *Coke part.* 6 *fol.* 73 *Plowd. Comm fol.* 267. *Coke part.* 8. *fol.* 173.

[e] *Rot. mag.* 15 *Hen* 2. *Norff.* & *Suff. placit. Archid. Piſtavienſis.*

XXXVIII. The *Degradation of a Knight* is alſo as a reſpect of honor to Knighthood in general, although by reaſon of the Ceremonies uſed in it, and becauſe it is the contrary of Creation, we have made it a ſeveral member of our diviſion concerning Knights. For as, by the Canon Law, when, for any grievous offence, a Clergy man is to be delivered over to Secular puniſhment (leſt the reſt of his dignity ſhould ſuffer alſo in the infamy which he ſuffers in his puniſhment) he is firſt to be degraded from the dignity he hath in the greater or leſs Orders, as alſo he is to be when his fault puniſhable by the Church is ſo great that it were too ſcandalous to the reſt of his dignity if he being condemned ſhould ſuffer the puniſhment, and yet remain in his degree of Orders; So for the honor due to Knight-hood in general, ſome examples are, that when judgment of Treaſon hath been to be given againſt one that had formerly received the order, he hath been firſt degraded from his Knight-hood, leſt ſo much ignominy as accompanied the judgment for ſuch an offence ſhould lie on any that were a Knight when he ſuffered it. And ſome other kinds of degradation from Knight-hood have been exerciſed here in this preſent age, which are ſo known [f] that I purpoſely decline further mention of them. But alſo, as by the Canon Laws, the ceremony of degradation from any degree of order is by a ſolemn taking away thoſe things from the Clerk wherewith he was ſo inveſted at his taking the order from which he is to be degraded; ſo the ceremonies of degradation of a Knight were, in antient times, ſuch as that the Sword with which he was girt at his knighting, and the Spurs that were put on him were to be publickly taken off from him, and ſome other ſolemnities were ſometimes in it. When Judgment was to be given againſt Sir *Andrew Harcley* Earl of *Carlile* under King *Edward* the ſecond for treaſon, before the Court (which was held by ſpecial Commiſſion) would give that judgment, it firſt awarded that he ſhould be *deceint del eſpée* (as the [g] record of his attainder ſaies) *& que vous eſperouns d'orres ſoient coupez de talouns*, and then they gave the judgment of that time for treaſon againſt him, all which was the ſame in ſubſtance which *Thomas* of *Walſingham* ſaies [h] of him, ſaving that he addes (as ſome others [i] alſo) that his Shoes and Gloves were took off in the degradation. *Quadrifario judicio*

[f] *Videſis proceſſ. & Judic. Rot. Parl.* 18 *Jacobi Regis.*

[g] *Plac. coram Rege Hill.* 18 *Ed.* 2. *Rot.* 34. & 35.

[h] 16 *Ed.* 2. *Walſingham pag.* 118. *Ed. Fr.*

[i] *Avesbury apud Camd in Br. pag.* 70.

(ſaith

England. (saith he) *condemnatus est. Nempe primo degradatus amputatis secuti ad talos suos calcaribus, & sic vicissim discinctus est baltheo militari, ablatis calceis & chirothecis. Deinde tractus, suspensus & in quartas divisus est.* But in our stories, this of the degradation is variously delivered. Some say that he was led to the barr **in manner of an Earl** (as the words are in an old history called *the Fruit of Times*) **nobely arrayed with a Sword igurde and thoild and ispoild.** And that Sir *Anthony Lucy* (whom the author of this relation supposes to have been a Judge at his arraignment; but that is directly contrary to the Record, where the Judges are *Edmund* Earl of *Kent*, *John* Lord *Hastings* and others, and Sir *Anthony Lucy* only as Sheriff of *Cumberland* attended them where they sate at *Carlile*) But that Sir *Anthony Lucy* used these words to him; **Sir** Andrew, **the King dede unto you much Honor, and made you Erle of** Cardoil, **And thou, as a Traytor to thi Lord the King, laddest his people of this Countrie, that should have holpe him at the Barraile of** Beighland, **away by the Countrie of** Copeland, **and through the Baldome of** Lancaster, **wherefore our Lord the King was scomfited there of the Scottis thorough thy treasoun and falsenes, and if thou haddest come betimes, he had hed the maistrie. And all that treasoun thou dedest for the lomme of Gold and Silver, that thou underfeng of** James Duglas a Scot, **the Kings enemie. And our Lord the King is will is that the ordre of Knighthood, by the which thou underfeng all in Honor and in Worshipe oppon thi body, ben all brought unto nought, and thi stat undon, that other Knights of lower degree, now after thee bewares. the which Lord hath thee advanced heugely in divers Countries of** England: **and all now take ensample by thee, there Lord afterward for to serve. Tho commanded hee a Knave anoon to hew of his Spores of his heles, And after hee he let breke the Sword over his heed, the which the King him gafe to keep and defend his land therewith when he made him Erle of** Cardoil. **And after he lete him unclothe of his Taberd, and his hood, and of his furred Cotes, and of his Gyrdell and when this was done Sir** Antony **said to him:** Andrew, **quoth he, now ert thou no Knight but thou art a Knave.** And then, sayes the same Author, the judgment for treason was also given. Here it was conceived, it seems, that he was first degraded as well from his Earldom, as from his Knighthood, which by others is likewise expressly affirmed that tell us the judgment was that [k] he should be degraded from his Earldom by the taking away from him the Sword he had been girded with at his Creation, and likewise of his Knighthood by cutting of his Spurs from his heels. Others of this otherwise. But the Record is the best measure of truth here. To this we may adde that preamble of the judgment for treason given against Sir *Ralfe Grey*, by the Earl of *Worcester*, High Constable of *England* under *Edward* the fourth; wherein the Ceremonies of Degradation are mentioned, though judgment of Degradation were not given against him. But perhaps it may be rather conceived that this of Sir *Ralfe Grey* is meant of a Knight of the Bath in regard of the Ceremonies of the Master Cook cutting of the Spurs remembred [l] in it. However, we deliver it here as we find it. *Sir* Ralfe Grey *for thy Treason* (saies the Constable of *England* before the judgment [m] given) *the King had ordained that thou shouldst have had thy Spurs striken off by the hard heels, by the hand of the Master Cook, who is here ready to do as was promised thee,*

k *Apud* Holingshed *hist. Angl. pag* 334.

l *Vide infra* §. 45

m J. Stow *in Annal. pag.* 693 & 694. *Edit. ann* 4.

at-

at the same time that he took off thy Spurs, and said to thee as is accustomed, and thou be not true to thy Soveraign Lord, he shall smite off thy Spurs with his knife hard by the heels: and so shewed him the Master Cook ready to do his office with his knife. Moreover, Sir Ralfe Grey *the King had ordained, here thou mayst see, the Kings of Arms, and Heralds and thine own proper Coat of Arms, which they should tear off thy body, and so shouldst thou as well be degraded of thy Worship, Nobleness and Arms, as of thy order of Knighthood. Also here is an other Coat of thine Arms reversed, which thou shouldst have worn on thy body, going to thy deathwards: for that belongeth to thee after the Law. Notwithstanding, the disgrading of Knighthood, and of thine Arms and Nobleness, the King pardoneth that, for thy noble Grandfather, who suffered trouble for the Kings most noble predecessors. And then he gave judgment on him for his Treason.* And for the matter of Degradation of a Knight, see more in Sir *William Segar*'s Honor Military and Civil *lib.* 2. *cap.* 4.

We may justly enough adde here a kind of temporary Degradation or suspension of the Honor (pretended at least) by a sentence of Penance given by the Archbishop of *Canterbury*, *John Peckham* together with the Bishop of *Salisbury* as Delegates, in MCCLXXXV or 13 *Ed.* 1. against Sir *Osbert Giffard* Knight for stealing two Nuns out of the Abbey of *Wilton*. It was that he should never [n] come into any Nunnery more, that he should never be so much as in the presence of any Nun without license of his Diocesan, that he should goe thrice *nudus in camisia & femoralibus*, in *Wilton* Church (but not in the presence of the Nuns) and every time *fustigetur*. So likewise in *Salisbury* market, and in *Shaftesbury* Church. *Præterea* (saith the sentence) *Insigniis militaribus interim sit privatus, nec* Calcaria deaurata, *nec* Gladium, *nec* Sellam militarem *aut* deauratas faleras *habiturus, nec* vestes coloratas, *sed tantummodo in Russeto cum agninis pellibus vel ovinis, nec calciamenta nisi vaccina; nec utatur camisia postquam prædicto modo fuerit fustigatus. Et hæc omnia sibi injungimus in virtute præstiti juramenti, ut taliter* extra militiam *agat vitam, donec per triennium steterit personaliter & integre in terra sancta, nisi infra triennium Dominus Rex Illustris ipsum revocandum duxerit ex gratia speciali.*

n *Regist. Mss.* R. Peckham *Arch. Cant. fol.* 119. 9 *Kl. Martii.*

XXXIX. For *Knights Bannerets*; they are with us of the same nature, as those of the antient time in *France*, saving that we have no example either of a creation of them by Patent or making the Title hereditary in *England*; both which we see have, in *France*, been in practice. And though we have Patents wherein the Creation of them is mentioned, yet the mention is scarce of any other kind than those of giving the Order of the Bachiler Knighthood in the honorary Patents to Strangers (as is before shewed) in the præterpersitense or as a recital only that they have received the dignity. And the Patents are made only [o] of some bounty given by the King for support of the honor it self. *Milites vexilliferi* expres them sometimes [p] in our stories of the times that are elder than any passage that hath the word *Bannerets* in it for this dignity.

It is said with us, that [q] no Knight Banneret can be created but in the field, and that, when either the King is present, or at least his Royal Standard is displayed. But the Creation is almost the self-same with that in the old French Ceremonies by the solemn delivery of a Banner charged with the Arms of him that is to be created and the cutting

o *See Rot Vasc.* 13 *Ed.* 3. *m.* 13. *pro* Will. de la Poole, *m.* 1. *pro* Richardo de Cobham, & *Pat.* 15 *Ed.* 3. *part.* 2. *m.* 22. *pro* Johanne de Coupland &c.

p *Matth. Paris pag.* 1354. *ann.* 1333 & 1355 *Edit. Lond.*

q Sir *William Segar lib.* 2. *cap.* 10. & *Vide Camb. Brit. pag.* 124.

England. ting of the end of the Pennon or Streamer to make it a ſquare or into the ſhape of a Banner in caſe that he which is to be created had in the field his Arms on a Streamer before the Creation. And this aſwell after the Battel as before, as I remember eſpecially at the Battel by *Newwark*, [r] where Sir *Gilbert Talbot*, Sir *John Cheyny*, and Sir *William Stoner* were made before the battel, and ten more after the battel by *Henry* the ſeventh. There is in *Froiſſart* a ſpecial example of Sir *John Chaundos* his beng made Knight Banneret by *Edward* the Black Prince aſſiſted by *Don Piedro* King of *Caſtile* before the battel of *Navarret*. Sir *John Chaundos* brought a Banner (*la quelle*, ſaith he, *encores navoit nullement boutee hors de ſon eſtuy*) charged with his Arms and folded up, to the Prince, uſing theſe words; *Monſeigneur veez cy ma Banniere; je la vous baille per telle manniere qu'il vous plaiſe la d'euelopper & que au jour duy je la puiſſe lever. Car (dieu mercy) i ay bien de quoy en terre & heretage pour tenir eſtate ainſi come appertinent à ce.* Then the Prince together with *Don Piedro* took the Banner of him, and delivered it again to him diſplayed with theſe words *Meſſire Jehan, veez de cy voſtre Banniere, Dieu vous en laiſſe voſtre preu faire.* Whereupon, Sir *John Chaundos* returns to his Company and with much gladneſs among them, his Banner was advanced and born by an Engliſh Eſquire whom *Froiſſart* calls *William Alery*. The antienteſt mention that I remember of the very name of this dignity, is in the time of *Edward* the firſt, in the accompts of his Wardrobe. And in other ſuch teſtimonies Bannerets are often mentioned. And if I be not much deceived, we have mention of ſome Creations of them under him in our hiſtories. When King *Edward* the firſt lay before *Berwick*, *exercitu præparato in planitie* (ſaith *Walter* of [f] *Gisburne*) *fecit ibidem Rex novos milites* Henricum *ſcilicet de* Percy *cum aliis multis, quod cum vidiſſent marinarii noſtri qui cum* XXIV *navibus bellicis expectabant in mari coram portu, credebant Regem velle confeſtim inſultum facere urbi eo quod, videbant armatum exercitum & multa* vexilla explicata, *moxque cum fluctibus maris redundantibus & ipſum portum ingreſſi ſunt*; and the ſtory goes on, as in others. But that which this Author ſaies is, that the King made many new Knights, the Ceremony whereof when they at Sea perceived, they apprehended that he would preſently make ſome charge, becauſe they ſaw both the troops armed and many Banners diſplayed. Now it ſeems clear by *credebant* here, and *æſtimantes*, to the ſame purpoſe, in *Thomas* [t] of *Walſingham* (who hath the body of the ſtory, although not ſo particulary) and by the circumſtances of the whole relation, that they at Sea miſinterpreted what they ſaw, by reaſon they apprehended the many Banners diſplayed at the Creation, for a ſign of the Kings preſent purpoſe of ſome onſet.

[r] *Ms. ubi de Coronat. Hen. 7 Baptiſmo Arth. Principis &c pag. 27. in Biblioth. Cotton.*

[f] *Chronic. de geſt. reg Angliæ cap. 259. Ms.*

[t] *Sub anno 1207. pag. 65. Ed. Fr. l. 12.*

Under theſe Bannerets divers Knights Bachilers and Eſquires uſually ſerved; and according to the number of them, the Bannerets received wages; as *Domino* Johanni de Segrave Banneretto *pro vadiis ſuis*, *Domini* Johannis de Sancto Johanne Banneretti XI *militum*, & XLI *ſcutiferorum ſuorum à primo die* Octobris, *quo die equi ſui fuerunt appreciati, uſque tertium diem ejuſdem menſis, utroque computato per tres dies, cuilibet Banneretto* IV *ſolidos, cuilibet militi* II *ſolidos, & cuilibet ſcutiferorum ſuorum per diem* XII *denarios &c.* Which occurrs in ſome accounts of the Wardrobe of 4 *Ed.* 2. And very many ſuch occurrences are in the old account books of the Wardrobe remaining in the Exchequer

Exchequer; saving that it is rare that a Banneret served under a Banneret, as here Sir *John Seint-John* did under Sir *John Segrave*. *England.*

Of the name of Banneret as it sometimes expressed a Baron of Parlament, enough is before [u] said. And as in that notion of it, Baronet was often miswritten for it, so also in this. Neither only have the old stories *Baronetti* very frequent for *Banneretti*, but even in a Patent passed to Sir *Ralph Fane* a Knight Banneret under *Edward* the sixth, he is called [x] *Baronettus* for *Bannerettus*.

[u] §. 25.

[x] Rot. Pat. 4 Ed. 6.

XL. Touching *Knights of the Order of the Garter*, there is so much of the Ceremonies, Habits, and some such more particulars belonging to the Installation of them, the observance to which they are bound by their Statutes, their Officers, and the like, published in *Camden*, *Leland*, *Polydor*, *Segar*, *Glover*, *Favin*, *Erhardus Cellius* his Installation of the Duke of *Wittemberg* under King *James*, *Johannes Olers* his [y] Installation of the Prince Palatin and the Prince of *Orange* under the same King, and such more, that it may seem wholly needless to speak further of it. And if any desire to see the particulars of it allegorically expounded, he may read that old little treatise stiled *La Gerreteire*, or *Speculum Anglorum*, written by *Mondorius Belvaleti* a Monk of *Clugny* (that was Embassador here) and published lately by *Philip Bosquier* under the title of *Catechismus Ordinis Equitum Periscelidis Anglicanæ*. Yet there are two things concerning it, of both which I think it not untimely to adde something here. Of the *Time*, and the *Occasion of the institution of it*, and of Saint *George* the *Saint* or *Patron* of it.

[y] Prope finem Genealog. Comit. Nassou. Edit. Lugd. Batav. an. 1616.

Although the original of it be attributed, and justly, to King *Edward* the third, yet a purpose of making it is supposed much antienter in an Author that wrote, under *Henry* the eighth, the book [z] intituled *Institutio clarissimi Ordinis Militaris à prænobili subligaculo nuncupati*. He saies that *Richard* the first purposed it in the holy Wars, where in a tedious siege *tandem illabente per* Divi Georgii, *ut opinatum est, interventum spiritu, venit in mentem ut quorundam electorum militum cruribus coriaceum subsibulum quale ad manus tunc solum habebat, indueret, quo futuræ gloriæ memores & condicto, si vincerent ad rem fortiter ac strenuè gerendam expergesierent, ad Romanorum instar apud quos illæ Coronarum varietas, quibus variis de causis donati sunt & insigniti milites, ut his velut irritamentis excussa vecordia virtus animi fortitudoque pectoris fervidior exurgeret atque exiliret.* What antient testimony he had to justifie this, I have not yet learned. But for *Edward* the third, although it be clear enough that he were the first author of it, and that he *to the honor of Almighty God and of the blessed and immaculate Virgin* Mary, *and the blessed Martyr Saint* George, *Patron of the right Noble Realm of* England, *and of Saint* Edward *King and Confessor, to the exaltation of the holy faith Catholick, ordained, established, created, and founded it* (as the words are in the statutes * of the order of the time of King *Henry* the eighth) yet the time and occasion of the institution is not so clear. Some say the time was after his wars successfully had against the *French*, and that about MCCCL, or the twenty four of his reign; and that the Garter was taken for an Ensign of it, because a Garter was the word * of the field in the battel. And it seems, they the rather cast it about that time, because they find that at the battel of *Calice*, in *an.* MCCCXLIX the King himself with his Sword drawn in

[z] *Ms.*

* *Ms.*

* Videsis *Leland. ad Cygn. Cant. verb.* Windelesora & *Camden in Atrebatiis pag.* 207.

England. the field, publickly in the Army made his invocations of Saint *Edward* and Saint *George* together, as *Walſingham* tells us. Others refer it to the Lady *Joan* Counteſs of *Kent* and *Salisbury* her Garter, that falling from her leg in a dance, was taken up by the King who much affected her, and (as they ſay too) wore it on his own leg, and whether upon the Queens Jealouſie, or ſome of the Lords merrily obſerving it, told them all openly, *Hony ſoit qui mal y penſe* (according to that of *Philip* upon ſight of the Regiment of *Lovers* ſlain at the battel of *Chæronea*, ἀπόλοιντο κακῶς ὅτι τηλίκοι τὴν ποιεῖν ἢ πάσχειν αἰσχρὸν ὑπονοοῦσι, *Ill betide them* [a] *that think any ill of theſe men*) and that ſhortly the Garter ſhould be moſt highly honoured. Some alſo have the like ſtory of the Queens Garter. *Hæc vulgus perhibet* (ſaith *Camden*, while he briefly touches the opinions concerning it) *nec vilis ſanè hæc videatur, origo, cum, ut ait ille, Nobilitas ſub amore jacet.* And to the ſame purpoſe, before him, *Polydore Virgil.* In this uncertainty of the occaſion, our common ſtories give us but little light: Nor know I whence wholly to clear it. But for the time; it ſeems plain rather, that it was in the year MCCCXLIV, or the eighteenth of *Edward* the third. For in that year, ſaies *Froiſſart* [b] expreſſly, began the *Confraire de Seint George*, or *de les Chivaliers de la bleu Jartier*, as he calls it, at *Windſor*. And though he miſs in the number of them (for he makes that forty, as his Copies are) yet it being far eaſier for him to know the time, which fell in his own age, and could not but be of a moſt publick fame, than the number (which either by miſs relation might come falſe to him, or, by miſtranſcription, falſe to us from him) we have yet reaſon enough to credit him for the year of the Inſtitution. And ſo much the rather alſo, becauſe we know by others of our own Country [c] that, in the ſelf ſame year, a ſolemn and great meeting of Knights was appointed by the King at *Windſore* Caſtle for the ſetting up of his Round Table there, which made the *French* King do the like, to prevent as far as he might the concourſe of Knights from forrein parts thither, and to draw them into *France*. And it ſeems, that, out of the plot and purpoſe of this Round Table at *Windſor*, erected in the ſame year wherein the order of the new Garter was inſtituted and appointed to be celebrated on Saint *George*'s day of the ſame year, as we may collect out of *Froiſſart* alſo, the order it ſelf had chief part at leaſt of its original. And the other Traditions touching the Garter of the Queen, or of the Counteſs of *Kent* and *Salisbury*, may well ſtand with this thus far, that the word and the uſe of the Garter began as the Traditions ſuppoſe, but that the order was raiſed chiefly out of this of the Round Table of that time as out of a Seminary. For the Round Table was in ſpecial uſe in thoſe ages for the drawing together of the braver Knights and Ladies. And in the Excellencies of his Knight, *Chaucer* thus mentions it.

[a] *Plutarch. in Pelopida.*

[b] *Vol. 1. Chap. 101.*

[c] *Thom. de Walſingham ſub anno 1344.*

> Full oftentime he had the Bourd begon
> Above all Nations——

And according to *Froiſſart* alſo, we read in a *French* Chronicle written by a French man in the time of *Henry* the eighth (one that had been in *England* with ſome Embaſſadors from the French King) titled *les grandes chroniques de Bretagne*; *L'an* MCCCXLIV *le roy* Eduvart *d' Angleterre fiſt a* Vindeſore *une feſte moult ſolennelle en la quelle il crea & eſtabliſt* l' ordre de la bleu Jarretiere *ſur la quelle ſont en language Francois*

Francois eſcriptes ces mots Honny ſoit qui mal y penſe. *Et fut pur un jeune mignongne a qui la jarretiere bleue tomba en danſant devant le roy & la leva ung chevalier que dict les deſuiſdites paroles. En ceſt jarretiere furent primerement receus quarante chevaliers dont le roy & ſes enfans & les plus grands Princes & Seigneurs de ſa terre eſtoyent. Et ordonna que d'an en an le jour Saint* [d] Gregore *ſen feroit la feſte dedans le chaſteau de* Vindeſore *le quelle chaſteau le roy* Artur *avoit fait faire autreffois edifier, & in iceluy tener la noble table ronde &c.* *England.*

d Pro S. George, *preculdubio.*

XLII. The Saint of this Order was and is Saint *George* the great Martyr, and ſo reputed the Patron-Saint of *England*, as Saint *Denis* is of *France*, Saint *Andrew* of *Scotland*, Saint *James* of *Spain*, and the like. And the Order it ſelf is ſtiled oftimes the Order of Saint *George*, [e] as well as of the Garter. Whence *Chaucer* alſo thus writes to the Knights of the Order.

e Stat. Ord. Gart. ſub Hen. 8 &c.

——for Gods pleaſaunce
And his mother, and ſignificaunce
That ye been of Saint Georges libere,
Doeth him ſervice and knightly obeiſance
For Chriſtes cauſe is his well known ye.

At the Inſtitution of the Order, the Chappel at *Windſor* was conſecrated to his name, and his day then appointed for the annual ſolemnity of the Knights. He ſuffered Martyrdom (as it is ſaid) in the ninth perſecution under *Diocletian*. Some ſay the time was [f] the CCXC year after our Saviour, or the ſeventh of *Diocletian*. And that the place where he ſuffered was *Rama* or *Ramel* [g] in *Palæſtine*. His name ſoon grew very famous in both the Eaſtern and Weſtern Churches, and many dedications of the Churches and Fraternities, and frequent invocations eſpecially in the time of wars, have been made to him. But we divide the particulars that are fit here to be further ſpoken of him into four parts. The firſt is a view of the teſtimonies that moſt concern his Name and ſo give light to his Quality, Martyrdom in general, and to his Honor (for I meddle not with the miracles belonging to him) in the Eaſtern Church; the Second a deſignation of ſuch teſtimonies in the Weſtern, ſaving that ſo much as concerns him with expreſs relation to *England* is reſerved to the Third, which is a conſideration how he came to be called Patron of the *Engliſh*, and hath been ſince honoured here in his Feaſt day. The fourth is the Figure by which he is commonly repreſented.

f *Vet. autor apud Baron. in Martyrol. April.* 23.

g *Anna Comnena Alexiados lib.* 8. *Robert. Monach. hiſt. Hieroſolym. lib.* 8. *Guil. Malmesb. de geſt. reg. lib.* 4. *alii.*

For the teſtimonies in the Eaſtern Church; thoſe attributed to *Paſcrates* a ſervant (they ſay) to Saint *George*, and his acts written by *Symeon Metaphraſtes* are obvious [h] enough. Nor ſhall we need more than name ſuch as are ſo obvious. But in ſome old Rituals or books of ordinary ſervice of that Church (where they have alſo other [i] Saints of the ſame Chriſtian name but all diſtinguiſhed plainly enough from this) he is ſuppoſed (as in other teſtimonies) to have been of *Cappadocia*. It is alſo delivered in thoſe Rituals that he was of a good family and a very famous Commander in the wars under *Diocletian*, but that when he ſuffered Martyrdom, he was a Count. So much, is but the interpretation of theſe words. [k] ὁ ἔνδοξος καὶ θαυμαστὸς καὶ μέγας μάρτυς Γεώργιος κατὰ τὰς χρόνους τῆς Διοκλητιανοῦ τοῦ Βασιλέως, ἐκ χώρας τῆς Καππαδόκων γένους ἐπισήμου, ἐν ταῖς τῶν τριβύνων

h *Latinè habentur apud Lipomannum, & apud Surium tom.* 2.

i *April.* 8. & ζ. & 18.

k Μαρτύριον *April.* 23. & *Antholog. rod.*

England. τριβόνων στρατείαις διαπρέψας, ἐν ᾧ δὲ ἀθλεῖν ἔμελλε, κόσμος ἦν τῶν ἀξίων. It is said there alſo he was beheaded, and to that purpoſe they have theſe Iambiques, and this Hexameter before his commemoration according as they have the like before the commemorations of other Saints in their Rituals.

Ἐχθρὸς ὁ πάντων Γεώργιος ἐν μάχαις
Ἑκὼν παρ' ἐχθρῶν πίπτεται διὰ ξίφος,

Ἥρῳ Γεωργίῳ εἰκάδι τριτάτῃ ἄυχενα χαλκός.

that is, *Saint* George *who ſlew his enemies in the field, was willingly ſlain by the ſword of his enemies. And on the three and twentieth day* (*of* April) *he was beheaded.* Very many forms of invocations of him they have there alſo, wherein beſides the uſual Attributes (that have relation to War) given to Martyrs (for they are all together called *candidatus*[l] *exercitus*, as in the *Te Deum*; τὸ ἄγιον τῶν μαρτύρων στράτευμα, in the *Greek* Rituals; and *the Noble Army of Martyrs*, in our Liturgy) he hath many that ſometimes expreſly, ſometimes with alluſion peculiarly denote his military quality and command, and his being the great Patron of Souldiers. As, τὸ μεγάλε Βασιλέως στρατῶτα Γεώργιε, or *O Saint* George *the Souldier of the great King*, and χαίρεις τῶν ἀθλητῶν ὁ μέγας ταξιάρχης and μαρτυρικῆς παρεμβολῆς ὁ ταξίαρχος, ἡ τῶν πιστῶν ἀπάντων ἀσφάλεια ἡ τῶν χῶν, καλλινίκε Γεώργιε, *Hail thou great Commander in chief, of them that fight, and of the Army of Martyrs; a ſuccour and defence of all that believe, moſt victorious* Saint George. And he is called there Μονόμαχος and Μυστικὸς χρίστε ἀθλητής, or *the moſt ſingular and victorious Champion of Chriſt*, and ἄριστος στρατήτης, or the *moſt excellent Patron or Leader*, and ſuch like. And in their Invocations he is ſometimes deſired to make interceſſion as well for the peace of the World, as for the ſalvation of their Souls: πρέσβευε λόγοις (ſo they pray to him in that ſence) ὑπὲρ εἰρήνης τοῦ κόσμου καὶ σωτηρίας τῶν ψυχῶν ἡμῶν. I omit the many other of this kind, and add only this one whole Prayer that they have to him, eſpecially becauſe of that Title of Τροπαιοφόρος or *Tropæophorus* in it. Ὡς ὁ τῶν αἰχμαλώτων ἐλευθερωτὴς καὶ τῶν πτωχῶν ὑπερασπιστὴς, ἀσθενούντων ἰατρὸς, Βασιλέων ὑπέρμαχε, Τροπαιοῦχε, μεγαλομάρτυς Γεώργιε, πρέσβευε χριστῷ τῷ Θεῷ σωθῆναι τὰς ψυχὰς ἡμῶν, *Thou that art the Redeemer of Captives, the Protector of the poor, the Phyſitian of the weak, the Champion of Kings, victorious and great Martyr* Saint George, *make interceſſion with our Lord Chriſt for the ſalvation of our Souls.* This Attribute of Τροπαιοφόρος, which I interpret by *Victorious*, long ſince became with them as his peculiar name. Some others have the ſubſtance of it given them ſometimes in the commemoration of them; as *Artemius* is called[n] ὁ καθ' ἐχθρῶν νίκης ἀράμενος τρόπαια or *he that carried away the Victory or had the Trophies of his Enemies*; and the like, others. But none beſides him hath it as a peculiar name. Nor do they of that Church, where they place the title of his day in their Rituals, name him without it. In their *Anthologion*, the Rubrick for the Liturgy of his day, which is the ſame as with us the three and twentieth of *April*, is, Τὸ ἅγιον ἐνδόξε μεγαλομάρτυρος Γεωργίε τοῦ Τροπαιοφόρε, that is, *of the holy famous great Martyr* Saint George *the Victorious* or *Tropæophorus*. The ſame name is there given him in the Rubrick of his Commemoration; as alſo it is in their great *Menæon*. So is it in the *Apoſtoloevangela* at the end of their *Euchologium*, which is of ſuch nature as our Book of Common Prayer,

l *Vide de Albanis Militibus, quibus anteſignanus* Georgius *apud* Robert. *Monach. Hiſt. Hieroſoly. lib.* 8.

m *Habetur tam in* Anthologio, *&* Menæo *quam in* Horologio *ſeu* Menologio, *ad diem* 23 *Aprilis.*

n *Menolog. in* Horologio *Octob.* 20.

in

in their *Menologium* inserted in their *Horologium*, or the Office for their Monastery, and in *Damascenus Studites*, *Maximus Margunius*, and the rest of them that write his Life. And it is but the same which is meant by that corrupted name of *Tropelophorus* in their *Menologium* of the *Greeks* published in Latin by *Canisius*. And whereas they have very many Saints daies in the same Moneth of *April* (divers of them being eminent in that Church) and Commemorations belonging to them, as of *Saint Mary* of *Ægypt*, *Gerontius*, *Basilides*, *Titus*, *Amphionus* and *Ædesius*, *Theodora*, *Polycarpus*, *Nicetas*, *Joseph*, *Elpidiphorus*, *Dius*, *Bythonius*, *Gallicus*, *Illyrius*, *Georgius Malæus*, *Theodulus*, *Agathopus*, *Pherbuthe* and her Maid, *Publius*, *Plato*, *Theonas*, *Symeon*, *Phorbinus*, *Zosimus*, *Claudius*, *Diodorus*, *Victor*, *Victorinus*, *Pappius Nicephorus*, *Serapion*, *Theodora*, *Dydymus*, *Thermus*, The Mistress and her Maid, *Pompeius*, *Zeno*, *Maximus*, *Terentius*, the five young Martyrs of *Lesbos*, *Eutychius Patriarch of Constantinople*, *Platonis*, the two Martyrs in *Ascalon*, *Calliopus*, *George* Bishop of *Mytelene*, *Ruffinus*, *Aquilina*, the two hundred Martyrs in *Synope*, *Herodian*, *Agabus*, *Rufus*, *Asyncritus*, *Phlegon*, *Hermes* (which six last are of the seventy Apostles) Pope *Cœlestine*, *Eupsychius*, *Badinus*, the Martyrs that died in Captivity in *Persia*, *Abdiesus*, *Macarius*, *Africanus*, and the rest of six and thirty Martyrs with them; *Olda* the Propheteſs, *Jacob*, *Azas*, *Antipas* Bishop of *Pergamus*, *Tryphæna*, *Pharmuthus*, *John* the Disciple of *Saint Gregory* of *Decapolis*, *Basil* Bishop of *Paros*, *Anthusa* Daughter to the Emperour *Constantine Copronymus*, *Demes*, *Protion*, *Artemon*, *Menas*, *David* and *John*, Pope *Martin*, *Maximus*, *Quintilian*, *Dadas*, *Eleutherius* of *Persia*, *Theodosius*, *Zoilus*, *Aristarchus*, *Pudes*, *Trophimus*, *Ardalion*, *Thomais*, *Crescens*, *Anastasia*, *Basilissa*, *Leonides* Bishop of *Athens*, *Theodorus*, *Pansolypius*, *Irene*, *Agape*, *Chionia*, *Felix*, *Fortunatus*, *Jannuarius*, *Septeminus*, *Charieſſa*, *Nice*, *Galene*, *Calis*, *Nounechia*, *Theodora*, *Symeon* of *Persia*, and *Abdellas*, *Chusdazat*, *Phusec* and the rest of MCL Martyrs with them, *Adrianus*, Pope *Agapetus*, *Sabbas*, with the rest that suffered with him, *Cosmas* Archbishop of *Calcedon*, *Athanasia*, *Paphnutius*, *Philippa*, *Socrates*, *Dionysius*, *George* Bishop of *Pisidia*, *Tryphon* Archbishop of *Constantinople*, *Theodorus Trichinas*, *Zoticus*, *Cæsarius*, *Severianus*, *Theonas*, *Antonius*, *John* surnamed *Palæolaurites*, *Anastasius* of *Antioch*, *Zachæus* the Apostle, *Probulus*, *Sossus*, *Faustus*, *Desiderius*, *Alexandra*, *Apollo*, *Isaacius*, *Quadratus*, *Maximus* Patriarch of *Constantinople*, *Anastasius* of Mount *Sinai*, *Theodorus Syceotes*, Bishop of *Anastasiopolis*, *Simon Zelotes*, *Apelles*, *Lucas*, *Clemens*, *Valerius*, *Anatolius*, *Protoleon*, *Athanasius*, *Glycerius*, *Donatus Therinus*, *Elizabeth*, *Pasicrates*, *Valention*, *Eusebius*, *Neo*, *Leontius*, *Longinus*, *Mark* the holy Evangelist, *Macedonius* Patriarch of *Constantinople*, *Basile* Bishop of *Amasia*, *Glaphyra*, *Justa*, *Nestor*, *Symeon* Cozen to our Saviour, and Bishop of *Jerusalem*, *John* the Confessor, *Publio*, *Eulogius*, *Lolio*, the nine Martyrs in *Cyzycum*, *Memnon Thaumaturgus*, *Patricius* Bishop of *Prusa*, *Jason*, *Sosipater*, and the seven Martyrs that *John* brought to believe, *Cercyra* Daughter to King *Cercullinus*, *Vitalius*, *James* the Brother of *John* the Divine, *Clemens* the Poet, and some more which doubtless in this long enumeration I have omitted, besides our Saint *George*, of all which they have special memory in the *April* of their larger Rituals; yet, in their more contracted Rituals, where they reckon but some and the most eminent of them only, this Saint *George* hath ever a principal place, and sometimes the sole place, which is a clear testimony of their high and singular estimation of him. In that Μηνολόγιον, which is a part of their *England.*

Ὡρολόγιον,

England. Ὡρολόγιον, there are ſhort memories of divers of thoſe before reckoned, and Saint *Mary* of *Ægypt*, *Theodorus Syceotes*, *Symeon* Cozen to our Saviour, and *James* the Brother of *John*, have each of them a Prayer inſerted. But none of the reſt have, ſaving this Saint *George*, and Saint *Mark*, which are in their ſeveral daies remembred with the Solemnities of more diſtinct Rubriques than any of the reſt, as the two chief of the Moneth. And they have both added to their daies thoſe notes of a ſpecial Feaſt, Ἀργία, Ὅπου καὶ ἐλαίου κατάλυσις, that is, *abſtinence from work, and the uſe of Wine and Oyl.* As that *Menologion* is for Prayers, ſo they have two other *Menologia*, the one for Goſpels, and the other for Epiſtles and Acts of the Apoſtles. That for Goſpels of Saints daies is a part of their Ritual, which they call Εὐαγγέλιον. And in the *April* of that, the Goſpels are only ſet down for the daies of Saint *Mary* of *Ægypt*, *Theodorus Syceotes*, this Saint *George*, Saint *Mark*, and Saint *James*. That for Epiſtles, is in their Ritual, which they title Ἀποστολος, where Saint *Mary* of *Ægypt*, Saint *George*, Saint *Mark*, and Saint *James* only are remembered. But in the Ἀποστολοδιάγγελα at the end of their *Euchologium*, made for all the Moneths of the Year, all *April* hath nothing elſe but what belongs to this Saint *George* only. So in the Epitome of their *Menologie* made by *Chriſtophorus Patricius* Proconſul of *Mytelene*, this day hath no other name but ὁ Μάρτυς Γεώργιος, or *the Martyr Saint George.* Yet there are alſo with them ſeven more Saints of this Moneth that have the ſelf ſame day with him; of whom *Glycerius* was converted by * him. The reſt are the four above named next before *Glycerius* and the two that follow him. Neither do they honour him only on his own Feaſt day, but alſo expreſly on the Feaſt daies of others that have relation to him: as of *Alexandra* eſpecially and *Theodorus Syceotes*. *S. Alexandra*, they ſay, in her Commemoration, was Empreſs and Wife to *Diocletian*, and that ſhe being an eye witneſs of the tortures which Saint *George* ſuffered in Preparation to the accompliſhment of his Martyrdom, turned Chriſtian and was thereupon committed to priſon; where when ſhe heard of the Emperour's Edict for the beheading both of Saint *George* and of her ſelf, ſhe peaceably, they ſay, gave up her life in fervent Prayer, and prevented the execution. Thoſe three alſo that follow her in the Catalogue before ſhewed, *Apollo*, *Iſaacius* and *Quadratus*, being her ſervants were converted by the example of her conſtancy, and have the ſame Feaſt with her on the XXI of *April*. And for *Theodorus Syceotes* (of whom you have enough in the writers of[a] Saints lives) that lived ſome ages after Saint *George*, and died under *Heraclius*; it is ſaid, in his commemoration, which is on the day before Saint *George*'s, that Saint *George* uſually appeared to him, and taught him and directed him during his life. Thus have they from antient time honored his memory in their ſacred ſolemnities, as one of their moſt principal Saints and Martyrs, whoſe name, though it occurr not expreſly in *Euſebius*, that is the beſt and moſt antient Writer of *Diocletian*'s perſecution, yet may perhaps be underſtood in that of him, where he ſpeaks[b] of the beginning of that perſecution. ἐκ τῶν ἐν στρατείᾳ ἀδελφῶν καταρχομένου τοῦ διωγμοῦ, *the perſecution* (ſaith he) *beginning among the brethren that were in the wars* or *in Garriſon*. And *Ruffinus* of the ſame time, in his[c] tranſlation; *Divina providentia adgreditur primò ſenſim refrenare lapſantes, & integro adhuc Eccleſiæ ſtatu, congregationibuſque manentibus, indulget interim eos qui erant in Militia tantum, Gentilium perſecutionepulſari.* Under theſe *in Militia*, this Mar-

* *Vita* D. Georgii *in* Anthologio, *& in* Menæo.

[a] *Georgius ejus diſcip. Metaphraſtes apud Lipomannum, & Surius die 22 Aprilis.*

[b] *Euſeb. Eccleſ. hiſt. lib. 8. cap. 1. & videſis cap. 29. ubi de Valerii tyrannide, & Niceph. Calliſt. lib. 6. cap. 3.*

[c] *Lib. 8. cap. 1.*

tyr

tyr might be comprehended being first a Captain, and afterward raised (as they say) to the dignity of a Count, by which he might more eminently have place in the *Militia*. And it is easily seen that an exceeding number of great Martyrs are designed [d] in *Eusebius* his histories of the persecutions, whom he names not. And yet they have been preserved in memory both for their quality and the nature of their Martyrdom in several Acts and Traditions of them, and in Martyrologies that have been as supplements to his general designation. Nay, it is probable enough that even in *Eusebius* his Martyrology (which he made [e] at the command of *Constantine* the great) this very Saint was named among the many more who being omitted in his History were received from him into the Martyrologies of the succeeding ages, and, had it not been for those who so received them, and, together with Saint *George*, transmitted them to posterity, had been utterly unknown to us. Some say that Martyrology of *Eusebius* is extant in the Escurial. And in that very year that Saint *George* his Martyrdom is placed, no less [f] than seven hundred Martyrs had their Crowns within thirty daies, many of whose names we are sure, if not all, are utterly omitted in the Ecclesiastical stories that are left us.

England.

d *Vide eum lib.* 8. *cap.* 12. *in Codice Græco, &c.*

e *Videsis* Flavium Dextrum *sub ann.* 308. *& ibid. Franciſ. Bivarium pag.* 359.

f *Flor. Wigorn. ad an. Dom.* 290.

Besides the Rituals, divers observable, yet not very obvious testimonies of them are in the writers of the Eastern parts. Erections of Churches were frequent to him there; and at *Ramel* especially, famous for his Shrine and Martyrdom, a Bishoprick was about five hundred years past instituted and consecrated to him. And *Justinian* (that was Emperor but about CCXL years after Saint *George*'s passion) built a Temple to him in *Armenia*, where it is likely, he received much of his fame as in a neighbouring Country to *Cappadocia*. So expressly saies *Procopius* that lived under *Justinian*. Καὶ ἱερὸν (saith he) Γεωργίῳ τῷ Μάρτυρι, ἐν Βυζανοῖς ἐδείματο, *Et templum extruxit* Georgio *Martyri in Byzanis*. I know some very learned men have taken that passage of *Procopius*, for a Temple built by him in *Constantinople*. Were it so, the testimony were enough for the antient memory of the Martyr. But plainly *Justinian*'s buildings at *Constantinople* are reckoned by *Procopius* purposely in his first book, and the third (wherein he saies thus) he professes to belong to what he built in *Armenia*. The mistaking hath proceeded both from neglecting the author's drift which he declares enough to an observing Reader, as also from the sudden apprehension of ἐν Βυζανοῖς *in Byzanis* to have signified the same with ἐν Βυζαντίοις *in Byzantiis*, or ἐν Βυζαντίῳ *in Byzantio*, which is, in *Constantinople*. *Byzana* plurally, is the same with *Bazanis*, in *Armenia Major*. It was formerly called *Leontopolis*, and was the mother City of six more there, which is especially noted by *Eustathius* upon *Dionysius Afer*. But, to Saint *George* again. *Cedrenus* speaking of the persecution under *Diocletian* saies that [i] πολλοὶ τῶν τῆς ἀθλήσεως ἀνεδήσαντο στέφανον. Ἐξ ὧν εἰσι Πέτρος Ἀλεξανδρείας καὶ Ἄνθιμος Νικομηδείας καὶ Προκόπιος καὶ Γεώργιος οἱ ἀοίδιμοι μάρτυρες, *Many were crowned with Martyrdom, and among them* Peter *of* Alexandria *and* Anthimus *of* Nicomedia *and* Procopius *and* George *the famous Martyrs*. The same Author tells us also, [k] that the Emperor *Joannes Tzimisces* (he began in DCCCCLXX) after his victory against the *Russians*, which was had on Saint *George*'s day, presently made a publick sacred acknowledgment of it to this Martyr. ὁ δὲ Βασιλεὺς (so are his words to the same purpose) τὰ ἐπινίκια θύσας τῷ Καλλινίκῳ μάρτυρι Γεωργίῳ (ἦν γὰρ καὶ τὴν αὐτῆς μνήμην συμβάσεις πρὸς πολεμίους) ἦλθεν ἐπίσης καὶ αὐτὸς τῆς πρὸς τὸ Δορύστολον ἥψατο: *Joannes Euchaitensis*

Lib. 3. *de Ædificiis Justiniani.*

i *Compend. Hist. pag.* 218.

k *Ibid. pag.* 556. *& Videsis Curopalat. histor. fol.* 77. *b.*

England. *chaitenſis* alſo (or Biſhop of *Euchaita* under the Emperor *Conſtantine Monomachus*, who built a Monaſtery in the place they called *Mangana* [l] to the honor of Saint *George*, into which he and the ſucceeding Emperors uſed to make [m] ſolemn proceſſion yearly on Saint *Geroge*'s day, or the three and twentieth of *April*) in a ſacred Poem encouraging the Emperor glorioufly to entertain our Saviour in his Churches, adviſes him alſo to join in the entertainment thoſe that love him, and the bleſſed Virgin his Mother together with the Saint that fights for him, and is as his general and hath his name from Trophies, Τροφαῖα or *Victory* ; by which words he means doubtleſs *Tropæophorus*, the proper attribute among their Saints to Saint *George*. This was done by this Biſhop about the year MXL in *Iambique* verſe. And ſo much of it as gives the full ſence of what concerns Saint *George*, I tranſcribe here.

l *Cedrinus pag.* 650.

m *Codinus* περὶ ὀφφικ. *cap.*15. & *Gretſerus ad eum, Commentar.lib.*3.*cap.* 10.*pag.*262. *Adde Hiſtor. Caropalatis fol.*131.*a.*

Α'λλ' ὦ κραταιὲ δέσποτα στεφηφόρε
Δέχυ τὸν ἐξάγοντα φῶς ἀπὸ σκότους &c.
Δέχυ τε πιστῶς καὶ σέβε πρὸς ἀξίαν,
Βλέπων, ἀκόων, αἰσθανόμενον, κρατῶν, φέρων,
Αὐτὸν Θεόν τε καὶ Θεοῦ n φρικτὸς λόγυς,
Τὸ τῶν ζώντων φῶς, τὴν τρυφὴν τῶν ἀγγέλων,
Τὸν καὶ βασιλεύσαντα, καὶ σέφανά σε,
Τὸν συμβασιλεύοντα καὶ σκέπουτά σε.
Ὠι συγξένιζε καὶ φίλυς καὶ Μητέρα,
Αὐτόν τε τ' σὸν Σ Τ Μ Μ Α Χ Ο Ν καὶ Π Ρ Ο Σ Τ Α Τ Η Ν
Ὧι τὰ Τ Ρ Ο Π Α Ι Α κλῆσιν ἀξίαν ἔθυ.
Πάντες γὰρ εἰσὶν συνδραμόντες ἄθροοι
Σύνεσι χρισῷ καὶ δέονταί συ χάριν.
Πάντες σὲ λαμπρύνυσι, πάντας ἓν δέχυ.
Οὕτοι σέφος σοι, μάργαροι, λαμπροὶ λίθοι,
Κοσμοῦντες ὡς κάλλιστα τὴν ἀλυργίδα.
Οὗτοι κατ' ἐχθρῶν ὅπλα σοι νικηφόρα,
Μεθ' ὧν κρατεῖς τε, καὶ κρατήσεις ἐς τέλος,
Ἐν οἷς φυλάξεις εὐτυχές συ τὸ κράτος,
Καλὴν παρ' αὐτῶν καὶ πρὸ τῆς ἐν ἐλπίσι
Τῆς Εὐσεβάτας τὴν ἀμοιβὴν λαμβάνων.

n *Logo potius* φρικτὸν Λόγον.

That is, *But O mighty Lord and Emperor receive him that brought light out of darkneſs, &c. Receive him with faith, and worſhip him according to his dignity, ſeeing, hearing, adoring, apprehending and obſerving both God himſelf and the ſacred Word of God ; the light of Men, and delight of Angels ; Him that made you Emperor, and crowned you ; raigns with you and defends you. And with him together entertain thoſe that love him, and his Mother and your* own Champion and General, that is juſtly denominated from Trophies. *For they all together are with Chriſt and intercede for you. They all make you glorious, therefore entertain them. They are a Crown to you, Pearls and rich ſtones, that adde a moſt excellent ſplendor to your Robes of ſtate. They are againſt your enemies victorious Arms, with which you conquer and ſhall conquer to the end. In them you ſhall preſerve the happy ſtate of your Empire, and for your religious hopes you ſhall receive a fair reward of them.* He is thus

thus remembred also by the Lady *Anna Porphyrogenneta*; Εἶτα ἐκεῖθεν (saith she [o] speaking of *Godfrey* of *Bulloign* King of *Jerusalem*, his going against the *Turks*) τὸ Ῥάμελ κατέλαβον ἐν ᾧ ὁ Μεγαλομάρτυς Γεώργιος μαρτύρησε. *They then went thence to* Ramel *where the great Martyr Saint* George *suffered Martyrdom.* And *Callicles* that lived (as I think) in her time, hath some Tetrasticks upon his Statue cut in white Marble, one of which I adde here; *England*

o *Alexiad. lib.* 3.

Εἰς τὸν ἅγιον Γεώργιον ἐν λευκῷ
λίθῳ τυπωθέντα.

Παῖς Ἀβραὰμ ὁ μάρτυς ὅπερ ἐκ λίθων.
Πλὴν εἰ ῥ τὸ σαρκὸς ἔσχεν ἠρυθρωμένον,
Ἐκιονώθη τοῦτ' λευκὸν εὐρέθη
Μαρτυρικοῖς ϙ ὑδρῶσιν ἐκπεπλυμένον.

p *Malè* τὶς in *vulgato codice.*

q ὑδρῶσιν *malè in codice vulgato.*

That is, *Upon Saint* George *cut in white Marble. This Martyr is a child of* Abraham *made of stone. But whatsoever of Red flesh he had, it is made as white as snow, being washed with the agonish sweat of Martyrdom.*

To these take that of *Nicephorus Xanthopulus* in his Συνοπτικὴ σύνοψις Ἁγίων χρόνων or his *short representation of the Saints of the year.* There in his *April* he puts this Saint *George* and Saint *Sabbas* thus in one Verse.

Γεώργιον, Σάββάν τε, τοὺς στρατηλάτας.

George *and* Sabbas *Commanders in the War.*

And *Joannes Cantacuzenus* (he that was Emperor) using some arguments taken from the Martyrs of the Christian Church, both in behalf of the *Christians* and against the *Mahumedans*, mentions Martyrs in general, but takes Saint *George* for his singular example. Οὐπάρ' ἡμῶν τῶν χριστιανῶν (saith he) πρώτιστος μάρτυς τῷ χρίσῳ Γεώργιος, ὃς ϗ παρ' αὐτῶν Μαζελμάνων, πάντα, ὁπόσα ἐστὶ παρ' αὐτῶν χετὴρ Ηλίας, βασανιζόμενος ϗ πειραζόμενος παρ' ἡμῶν τά τε Μωαμέτου ϗ εἰδωλολατρῶν ἵνα τὸ, μὲν Χριστὸν ἀρνήσεται, σεβασθῇ δὲ ϗ προσκυνήσῃ τῆς ἐκείνων θεοῖς, ὁ δὲ προείλετο μυρίους θανάτους ϗ μυρίας βασάνους ὑπὲρ τοῦ ὀνόματος τοῦ Χριστοῦ ἢ ὅλως ἀθετῆσαι τὴν εἰς τὸν Χριστὸν πίστιν αὐτοῦ. *The Martyr of Christ that is honored by us Christians, Saint* George (*who is also honored by the* Musulmans *themselves, and called by them* Cheter Eliaz) *being tortured and tempted by the wicked, and by Idolaters, that he might be brought to deny Christ, and worship and adore their gods, chose rather to have undergone a thousand deaths and a thousand tortures for the name of Christ, than at all to renounce the faith that he had in him.* And *Cantacuzenus* goes on there with some more particulars of the history of his Martyrdom, as if it were the most eminent example of Martyrdom in their Church, and such a one as was enough in that kind of argument to make up his apology for the Christians against the *Musulmans.* In *Venice* also the chief Church for the *Grecians* is dedicated to Saint *George*'s name. *Emanuel Malaxus* remembers it with the title of Great Saint *George*, where he speaks of the trouble wherein the *Grecians* there were when *Arsenius* brought Pope *Alexander* the sixth's letters against them to the Duke of *Venice*

r *Apologia pro tà τε Μωαμετ.*

England. somewhat more than a hundred years paſt. Ἐγένετο πολλὴ σύγχυσις καὶ ταραχὴ εἰς τὴν ἐκκλησίαν τῶν Ρωμαίων, εἰς τὸν μέγαν Γεώργιον, are his words; [f] *There fell out a great confuſion and diſcontent in the Church of the Grecians* (for ſo Ρῶμαιοι ſignifies here [t] as τὰ Ρῶμα long ſince ſignified *Conſtantinople*) *which is* Great Saint *George*'s. And upon ſome inſtauration of this Church in MDLXIV, an inſcription of dedication was made for it, to our Saviour and to Saint *George* in the name of all the *Grecians* that lived there, and of thoſe that uſed to come thither. And that by *Michael Sophianus* of *Conſtantinople*, as *Cruſius* [u] relates it, out of the end of a book written by *Zacharias Scordylius Marapharius* a *Cretan*, and publiſhed, as it ſeems, by *Cruſius*, MDLXIX. Whether it were fixt on the Church or no, I know not. But it is thus delivered, together with the purpoſe expreſſed by the author of it.

[f] *Hiſt. Patriarchal. pag.* 151.

[t] *Videſis* Platin. *in vita Bonifacii* 3.

[u] *Turcograec. ad Hiſt. Eccleſ. pag.* 260.

Εἰς τὴν ἀφίερωσιν τοῦ Ἐνετίησι ναοῦ
Τοῦ Μεγαλομάρτυρος Γεωργίου τοῦ
Γραικῶν ἐπίγραμμα ἐν ἕδει τίλλε ποιη-
θὲν παρὰ τοῦ Σοφιανοῦ καὶ λογιοτά-
του κυροῦ Μιχαήλου Σοφιανοῦ τοῦ Βυζαντίου.

ΧΡΙΣΤΩ̃ ΣΩΤΗ̃ΡΙ
ΚΑΙ ΤΩ̃, ΑΓΙΩ, ΜΑ΄ΡΤΥΡΙ, ΓΕΩΡΓΙ΄Ω Ο΄Ι ΜΕ-
ΤΟΙΚΟΙ ΚΑΙ᾽ Ο΄Ι ᾽ΑΕΙ ΚΑΤΑΙ΄ΡΟΝΤΕΣ ᾽ΕΝΕΤΙ΄Α-
ΣΕ ΤΩ̃Ν ΕΛΛΗ΄ΝΩΝ ΕΚ ΤΩΝ ᾽ΕΝΟ΄ΝΤΩΝ
ΦΙΛΟΤΙΜΗΣΑΜΕΝΟΙ
ΤΟ Γ΄ΕΡΟΝ Α΄ΝΕ΄ΘΗΚΑΝ
Α Φ Ξ Δ

That is,

For the dedication of the Church of the Great Martyr Saint George, *the inſcription of the* Grecians *in form of a Title: made by the moſt diſcreet and Learned* Michael Sophianus *of* Conſtantinople.

TO OUR SAVIOUR CHRIST
AND TO THE HOLY MARTYR S. *GEORGE*,
THE GRECIANS THAT ARE AT VENICE
AND THOSE THAT USUALLY COME THITHER HAVE MOST DEVOUTLY
CONSECRATED THIS CHURCH
M D LX IV.

The book out of which *Cruſius* had this, it ſeems, was that of this *Zacharias Scordylius*, touching the degrees of Conſanguinity, or περὶ τῆς συγγενείας βαθμῶν, at the end of which in my Copy Printed at *Venice*, MDLXXXVIII, I find this that *Cruſius* cites, ſaving that the year of our Lord is omitted. But alſo there are joined Iambiques, written by the ſame *Zacharias* upon that dedication. And in mount *Athos*, where twenty two Monaſteries are yet remaining, two of them [x] are ſacred from antient time to his name.

[x] *Graeculi apud Janum Rutgerſium Var. Lection. lib.* 2. *cap.* 11

To theſe we adde the memory of him in *Damaſcenus Studites* not without his title of *Tropæophorus*, and in *Maximus Margunius* not many years ſince Biſhop of *Cythera*, or *Cerigo*, as they call it now. Ὁ ἐγ-

ἀξ@ ᾧ μέγας Γεώργι@ ἦν (so are the words of *Maximus* mixt with the dialect of the later *Greeks*) τὲς καιρὲς τὸ Βασιλέως Διοκλετιάνε, ἀπὸ τὴν Καππαδοκίαν, ἀπὸ γέν@ λαμπρὸν, τῆς πάξεως τῆς στρατείας τῆν τειβάνων· ὅτι δὲ ἔμελλε νὰ γένῃ ἀθλητὴς, ἦταν Κόμης τὸ ἀξίωμα which is but the same in substance that is before cited out of their Rituals; *The glorious, wonderful, and great Martyr Saint* George *was in the time of* Diocletian *the Emperor, of* Cappadocia, *and of a good family, and a Tribune in the wars, but when he suffered martyrdom, he was by Dignity a Count.* But also there is among them of the *Greek* Church a testimony of an order of Religious Knighthood under the title of this Martyr which continues to this day, from no other original than the very time of *Constantine* the great if we may believe the pretences that the Soveraigns of the order themselves make to it. I mean that order whereof those of the Imperial Family of the *Comneni* claim at this day to be Soveraigns, and accordingly do make their *Constantiniani Cavalieri* (as they call them) under the rule of *Saint Basile*, and the title of Saint *George* with the Red Cross and those words, *In hoc Signo vince*; or ἐν τέτῳ νίκα[z] written with gold upon it. This, they say, was begun by *Constantine* the Great, and afterward encreased by *Heraclius* upon his victory had against *Cosroes*. And the making of such Knights and the soveraignty over them is derived to the *Comneni*, chiefly through a Patent thereof made by the Emperor *Michael Palæologus* to *Michael Angelo Comneno* and *Andrea* his son and to the heirs of their bodies begotten, whence *Signor Don Giovanni Andrea Angelo Flavio* (lately and perhaps yet living in *Venice*, and pretending also himself heir to the Crown of the *Constantinopolitan* Empire) as descended from *Michael Angelo* (heir to *Isaacio Angelo* that was Emperor) hath both the contents of that Patent summarily testified with the authority of the Patent it self under the hand and seal of a Notary at *Rome* in *March* MDCX by the title of *Principe di Macedonia & Moldavia, Duca & Conte de Drivasto & di Durazzo & gran soprano e Maestro della* Militia seu religione aureata Angelica Constantiniana *instituita par apparitione divina dal Magno* Constantino *Imperatore sotto la regola di S.* Basilio *& invocatione* S. Georgio Martyre *Capitano di Constantio* (thus he is supposed here, a Captain under *Constantius* who was a *Cæsar* in *Diocletian*'s time) *padre di detto Constantino eretta & poi da Eraclio Constantiniano Imperator Græco nel tempo c'hebbe la vittoria contro Cosedroe Re de Persi ampliata & dilata &c.* And divers particular allowances of the priviledges of making those Knights (especially in the States of *Spain* and *Italy*) by this pretence and the authority received from the Patent are added and were Printed also at *Rome* in the same year. And among them, one is that *Giovanni Georgio di Cefalonea*, who falsly pretended himself an heir to this right against *Pietro Angelo* father of this *Giovanni Andrea Angelo* in MDXCI was by sentence given by *Prospero Farinacio* that great Lawyer (whose many and excellent Decisions are since publick) being Lieutenant Criminal of *Signior Camillo Burghese* Auditor of the Pope's chamber, and afterward confirmed by *Signior Pompeio Mollela* Lieutenant to *Signior Francisco Aldobrandino* a Commissioner specially appointed by Pope *Clement* the eighth in MDXCIV, first condemned to perpetual banishment from the whole Popedome and afterward to the Gallies during his life whence he was in MDXCVII released by reason of his age, remaining still under the sentence of banishment, and that if he did any more usurp the making

England
y Βίοι ἁγίων pag.203. b.

z *Videsis Eusseb de vita Constantini lib.1.cap.32.*

England. of any of thoſe Knights he ſhould die for it. Other teſtimonies are in the writers of the Weſtern parts touching theſe Knights, and the reference of their original to *Conſtantine* as you may ſee ſpecially in *Gaſpar Eſcolavo* his hiſtory [a] *Valentia*, where upon his faith, you have an old Coin of thoſe primitive ages (he makes it a Coin of *Majoranus*) with GLORIA CÆSARUM AUGUSTORUM GEORGIANORUM on the one ſide of it, which he interprets by *the Glory* of the *Cæſares Auguſtos Maeſtros de la Cavalleria Georgiana*. That very croſs alſo that appeared to *Conſtantine* he makes Saint *George*'s and divers other things he hath touching it which I willingly omit here. To theſe may be added other teſtimonies learned from the Eaſtern parts though delivered by Writers of the Weſt. That of [b] *Juſtinian*'s erecting a Temple to Saint *George* at *Lydda* or *Dioſpolis*, ſome three miles diſtant from *Rama* or *Ramel* in *Paleſtine* in the portion of the Tribe of *Ephraim* (by reaſon of which nearneſs, and for that the Biſhoprick there inſtituted was called ſometimes of *Lydda*, and ſometimes of *Ramel*, as well the one place as the other hath been mentioned by Writers for his martyrdome.) The particulars of his ſtatue and miracles largely related from *Arculfus* who learned them in the Eaſt, by *Adamannus* a *Scot* [c] that wrote about DCCCC years ſince and publiſhed at *Ingolſtade* by *Getherus* in 1619. have their weight here alſo; as likewiſe that of *Johannes Cotovicus* [d] ſpeaking of *Lydda*. *Mox* (ſaith he) *urbem antiquiſſimam Dioſpolim olim nuncupatam, diſtantem à* Rama *tria millia paſſuum, eminus conſpeximus. Hæc Divi* Georgii *martyrio ac tumulo, & imprimis* Petri *Apoſtoli prædicatione & miraculo celebris eſt. Nunc ſolo æquata & in cinerem fere verſa tota neglecta jacet. Præter pauca enim Maurorum tuguriola ſolum ſupereſt templum in Martyris memoriam à* Richardo Angliæ *Rege* (*ut aliqui putant*) *reſtauratum ſupra fundamenta antiquioris delubri à* Cæſare Juſtiniano (*ut volunt*) *erecti quod paulo ante adventum* Bullionii *Ducis cum ſuo exercitu Saraceni ſolo tenus dejecerunt, ne Chriſtiani* [e] *in urbis Hieroſolymæ oppugnatione trabibus Eccleſiæ quæ multæ proceritatis erat uterentur eaque in machinas & tormenta converterent.* That Church is now, he ſaies, uſed partly for a Meſchite by the *Turks*, and partly by ſome *Greek* Monks. And it is held in ſingular reverence as well by the *Mahumedans* [f] as Chriſtians. For all of them that come back from their pilgrimage to *Mecha* through *Paleſtine*, *devotionis ergo* (ſaith he) *adire illud haud negligunt; precibuſque inibi Deo redditis largas etiam eleemoſynas erogant & Martyris ſepulchrum venerantur.* And he tells us that the *Mahumedans* take him alſo to be *ſuæ ſectæ protector eximius*, and ſo honor him that when they ſometimes deſtroy other Images of Saints in the Chriſtian Churches, they religiouſly abſtain from Saint *George*'s, touching which he hath an example in a Monaſtery of Minorite Friars in *Arnica* (a town of *Cyprus*) where all the other Images being deſtroyed by them, only Saint *George*'s he ſaw ſitting on horſeback with a tulipant on his head, and left untoucht. Many other teſtimonies of the Eaſtern parts that are of leſs note concerning him, I omit here and come to a ſhort view of ſuch as are of him in the Weſtern.

a *Lib. 9. cap. 7, & 8.*

b *Will. Tyrius de bello ſacro lib. 7. cap. 22.*

c *De ſitu terræ ſanctæ lib. 3. cap. 4.*

d *Itinerar. Hieroſolymit. lib. 2. pag. 137.*

e *Guil. Tyrius loco citato.*

f *Vide item Cotovicum dict. Itinerar. fol. 343.*

XLII. For the Weſtern Church you may remember what is at large of him in *Jacobus de Voragine*, *Lipomanus*, *Surius* and the like which write *ex profeſſo* the lives of the Saints. They are obvious and therefore we omit them here. The antienteſt Martyrologies have him alſo

on

on the three and twentieth of *April*, with *Natalis* Sancti Georgii *Martyris cujus illustre Martyrium inter Coronas Martyrum Ecclesia Dei veneratur.* Pope *Gregory* the [h] Great that lived about three hundred years after the supposed time of his Martyrdom, repaired an antient Church dedicated to his memory. And before that, Saint *German* Bishop of *Paris* after his pilgrimage to *Hierusalem*, returning through *Constantinople*, received there from the Emperor *Justinian*, among other precious reliques, Saint *George*'s arm which he laid up at Saint *Vincent*'s in *Paris*. So saies [i] *Aimonius* a most antient Writer of *France*, who hath King *Childebert* his Charter of foundation of Saint *Vincent*'s at large (in the year DLIX) wherein among many other Saints barely named he is peculiarly stiled *Beatissimus Sanctus Georgius*. And *Gregorius Turonensis* another near that age, specially remembers [k] both his reliques and Miracles. *Est in Sacramentario* (saith *Baronius* [l] also) S. *Gregorii, in Natali* S. Georgii *specialis de eodem Sancto præfatio.* And *Sidonius* Bishop of *Mentz* in the time of *Justinian*'s reign, erected a Church to this Saint, where the reliques and memory thereof remain [m] to this day. On which also *Venantius Fortunatus* a Christian Poet [n] of little less antiquity, hath this Epigram.

England.

h *Gregor. lib. 4. indict. 4. Epist. 68.*

i *De gest. Francorum lib. 2. cap. 20.*

k *De Gloria Martyrum lib. 1 cap. 101.*

l *Ad Martyrol. Rom. 23. Aprilis.*

m *Brower. ad Venant. Fortunat. lib. 2 pag. 39.*

n *Poemat. lib. 2. Epig. 13.*

Martyris egregii pollens micat aula Georogi,
Cujus in hunc mundum spargitur altus honor.
Carcere, cæde, siti, vinclis, fame, frigore, flammis
Confessus Christum duxit ad astra caput.
Qui virtute potens Orientis in arce sepultus
Ecce sub occiduo cardine præbet opem.
Ergo memento preces & reddere dona viator;
Obtinet hic meritis quod petit alma fides.
Condidit antistes Sidonius *ista decenter,*
Proficiant animæ quæ nova templa suæ.

And in another Church he notes among other reliques [o] some of this Saint *George.*

o *Poemat. lib. 10. Ep. 10.*

Hic quoque reliquiis micat ille Georgius *almus,*
Qui probus igne cedit, nec pice mersus obit.

Fuit & Romæ (so also *Baronius*) *quæ adhuc perseverat illustris memoria S.* Georgii *ad velum aureum, ubi & caput ejus asservatur quod* Zacharias *Papa in theca repertum cum inscriptione* Græcis *literis exarata ibidem recondidit, ut testatur liber de* Romanis *Pontificibus in* Zacharia. This Pope *Zachary* was a *Grecian* and lived Pope in DCCXL and afterward *Basilicam* (saith *Palatina*) *Beati* Georgii *in Velabro condidit, eoque loci caput ipsius Sancti collocavit.* Other antient, and as yet not published testimonies of his life are mentioned by *Baronius.* And in the Office of the Church of *Rome* for that day usually, which they keep as the Greek Church on the three and twentieth of *April*, besides the Epistle, Gospel and what else might be common to other Saints, they have [p] these also with his name in them. *Deus qui nos* Beati Georgii Martyris tui *meritis & intercessione lætificas, concede propitius ut qui tua per eum beneficia poscimus, dono tuæ gratiæ consequamur per Dominum nostrum.* And after the offering, *Munera Domine oblata sanctifica & intercedente* Beato Martyre tuo, *nos per hæc à peccatorum nostrorum maculis*

p *Missale Romanum Parisiis 1605. pag. 225. &c.*

England. maculis emunda per *Dominum noſtrum*: and for the *Poſt communio*; *Supplices te rogamus omnipotens Deus, ut quos tuis reficis Sacramentis, intercedente* Beato Georgio Martyre tuo, *tibi etiam placitis moribus dignanter tribuas deſervire per Dominum noſtrum.* And whereas in *Rome* every month hath certain ſpecial Feaſt daies which are no Court daies in the Capitol (as *Corpus Chriſti* day, *All Saints*, *Midſomer* day, and *Candlemas* day with us at Weſtminſter) in *April* no Saints days but of Saint *Mark* and Saint *George* are appointed to be honored ſo, as we ſee in the Laws [q] of that City. Neither is it to be omitted here that in the antient *Ordo Romanus* (which is a Ceremonial or Ritual for the Conſecration of Biſhops, Abbots, Nuns, &c.) there is an *Ordo ad armandum Eccleſiæ defenſorem vel alium Militem*; and after divers praiers proper to the giving of that dignity of Knighthood, one follows in theſe words preſently after the Shield given, *Domine Deus, qui conteris bella, & adjutor, & Protector es omnium in te ſperantium, reſpice propitius invocationem noſtram & per merita Sanctorum* Martyrum tuorum & Militum, Mauricii, Sebaſtiani, Georgii, *præſta huic viro victoriam de hoſtibus ſuis, & ſalva eum tuo gratuito munere, qui dignatus es hominem redimere preciociſſimo filii tui ſanguine, qui tecum vivit.* But as it happens frequently in the reports of what is at all wonderful (ſuch are thoſe of the ſufferings of the Martyrs) ſo hath it in that of Saint *George*; that ſo many incredible circumſtances are added, and ſo mixt with his Martyrdom, that the relation of him hath ſuffered too much blemiſh by ſuch mixtures. Whence it was that when Pope *Gelaſius* the firſt in CCCCXCIV in his Synode at *Rome*, made a large declaration of what writings were to be admitted, beſide the holy Scriptures, he reckoned up many, as alſo the *Geſta Sanctorum Martyrum*; *Sed ideo*, ſaith he, * *ſecundum antiquam conſuetudinem ſingulari Cautela, in* S. R. E. *non leguntur quia & eorum qui conſcripſere nomina penitus ignorantur & ab infidelibus aut idiotis ſuperflua aut minus apta quam rei ordo fuerit ſcripta eſſe putantur*; *ſicut cujuſdam Quirici & Julittæ, ſicut* Georgii (ſome Editions of *Gratian* have falſly Gregorii) *aliorumque hujuſmodi paſſiones, quæ ab hæreticis perhibentur conſcriptæ. Propter quod ut dictum eſt, ne vel levis ſubſannandi oriatur occaſio, in ſancta* Romana *Eccleſia non leguntur.* For examples of ſuch Saints lives as were ſo miſwritten, he brings thoſe of Saint *Quiricus*, and Saint *Julitta*, and of Saint *George*; but ſo, that whereas they are named with *cujuſdam* prefixt to them, Saint *George* as a more eminent and known Saint in thoſe times, is ſever'd from them by *ſicut Georgii*. And we ſee in the ſixt general Councel at *Conſtantinople* a ſpecial Canon [r] is made againſt the admiſſion of ſuch lives of the holy Martyrs as were written by τῶν ἀληθείας ἐχθρῶν or *hereticks*, as they are there called, ἵνα ἐν τοῖς τῶ χριστῶ μάρτυρες ἀπαίδευτον καὶ πρὸς ἀπιστίαν ἐνάγοντες τοὺς ἀκούοντας, *to the end that they might diſhonor the Martyrs of Chriſt, and make the relations of them incredible to the hearers.* But out of the ſeveral acts of Martyrs and their lives written, ſuch choice was afterward [t] made that ſome were and are to this day read in the Church of *Rome*. And *Baronius* thinks alſo that he found in an antient Ms. in the *Vatican*, thoſe very corrupted acts of Saint George which were noted in that Synod of *Rome* by *Gelaſius*, for which he profeſſes he made a moſt painful ſearch. His own words beſt deſerve place here. *Quænam eſſent acta*, ſaies [t] he, Georgii, *à* Gelaſio *improbata atque rejecta, exquirendi ſtudio fatigatus, ea me tandem inveniſſe arbitror. In noſtra bibliotheca, tertio Tomæ vitæ Sanctorum antiquiſſimo,*

[q] *Statuta Romæ lib.1.cap. 58.*

* *Tom.Concil. 2.part.1.Edit. 1618.pag.501. Diſt.15.Can.3. Sancta Romana Juo par..4.cap.64. Burchard.lib. 3.cap.220.*

[r] *Sext.Synod. Can 63.*

[s] *Baron.Annal. tom.2.ſub finem anni 290.*

[t] *Ad Martyrolog.April.23.et de Julitta & Quirico qui in Synodo illa Georgio adjecti ſunt, conſule ſi placet eundem ad 16 Junii & in Annal.tom. 2 ſub anno Chriſti 305. pag.8-1.Ed. Antwerp. Videſis eum item lib.de Romano Martyrologio cap.2.*

quissimo, ac pene vetustate consumpto codice, ibi pag. 159. *inveni acta quædam S.* Georgii *multis haud dubium referta mendaciis, ibi portentosa quædum ab omni miraculorum ratione aliena feruntur; quæ quidem (ut prædictæ Synodi utar verbis) non ad pietatem legentes, sed ad infidelitatem adducunt. Insunt præterea illic quædam ab hæreticis accepta atque Gentilibus: ut conflictus ille* Georgii *cum* Athanasio *magno: alludit nimirum auctor impius ad* Georgium *Arrianum Episcopum invasorem sedis* Alexandrinæ *& Magni* Athanasii *ejus sedis Episcopi pugnacissimum persecutorem.* Athanasium *enim ab Arrianis esse magum apellatum, acta* Tyri *conciliabuli satis docent: apud* Gentiles *etiam eandem de eo sparsam esse calumniam constat ex* Ammiano Marcellino *lib.* 15. *At* Georgium Arrianum *Episcopum, defuncto* Constantino *Imperatore occisum esse ob ejus scelera* Alexandriæ, *relatumque à suis in Martyres, liquet: testante id etiam* Marcellino *libro* 22. *Ex quibus sane apparet totam illam de actis* Georgii *fabulam fuisse commentum* Arrianorum. *Leguntur in iisdem alia nonnulla indigna Martyre: ut phanatica quædam & portentosa, suspectum contubernium viduæ, ars dolosa ejusdem ad perdendos Gentilium magos, atque enecandos Gentiles quosque, innumera præterea tormentorum genera, quibus agitatus* Georgius, *nec mori potuit, ut, præter eculeos, ungulas, crates ferreas ignitas, rotamque mucronibus undique præfixam, calceosque armatos clavis, quæ & in aliis leguntur actis; etiam arca ferrea clavorum cuspidibus intus ad inferiendum aptata, præcipitium, contusiones malleis ferreis iteratæ, columna ingentis ponderis super eum posita, ingentisque molis saxum super caput revolutum, ferreum ignitum stratum, liquens plumbum super effusum, quadraginta igniti clavi quibus est confossus, æneus bos candens, mersio in puteum ingentis ponderis saxo ad collum ligato, quibus nec quidem occidi Martyrem potuisse tradunt. Ad hæc insuper, fingitur ibi* Datianus *quidam Imperator qui* Persis *dominetur & septuaginta quinque Regibus imperet sub quo* Georgius *passus sit, &, alia multa quæ potius delirantium somnia, quam synceram historiam Martyris præ se ferant, quæ* Gelasii *censura proscripta esse, absque aliqua difficultate quisque sibi suadere potest.* England

Other acts of him written by *Metaphrastes* and the compilers of the Saints lives in the later times, and the author of the common Legend and such like have vanities enough mixt with his Martyrdom. But among all those that they have in the *Vatican*, *Baronius* thinks that one to be neareſt truth which was wont to be read in some Churches, and hath in it the year of the Martyrdom, and only beating, the wheel, the frying pan, and the beheading, for his sufferings. *Legi & in veteri Manu scripto* (saith he to that purpose) *quæ in quibusdam Ecclesiis recitari consuevernnt acta* Georgii, *ubi & annus passionis describitur* CCXC *ibique hæc solummodò tormenta* Georgius *passus narratur, verbera, Rotam, ignitamque sartaginem, ac demum gladio truncatus legitur. Quæ licet ob longiores paraphrases & carmina quæ in eis habentur intexta, minimè referant tristitiam illum candorem ac sine fuco dicendi stilum, tamen cæteris probabiliora videntur. Habemus ea in nostra Bibliotheca Tom.* 9. *Vit. Sanctorum pag.* 74. So *Baronius.* The many Dedications of Churches and Societies to him in the later ages, and the mention of his reliques, of his frequent Apparitions and the like, we omit, being such as cannot adde any valuable honor here to his name, beyond that which those antient testimonies have given him.

XLIII. In

England. XLIII. In the conſideration how he came to be as the Patron Saint of the *Engliſh*; we may eaſier gheſs at the reaſon why his name was choſen by them, than of the time when it was choſen. It is nothing ſtrange that ſo Military a Nation ſhould chuſe the name of ſuch a Soldier Saint, and of one ſo known by the peculiar name of *Tropæophorus* or *Victorious* as is already ſhewed, being alſo of far greater eminency in both Churches than either Saint *Sabbas* or Saint *Sebaſtian*, Saint *Maurice*, or any of the reſt that were Soldiers alſo. And in the Articles prepared by *Richard Scroope* Archbiſhop of [u] *York* againſt *Henry* the Fourth, he is called Saint *George* **Martyr and Knight, ſpecial Protector and Defendour of the Realm of England and avoket.** So toward the end of *Edward* the third alſo, that is, in his forty fourth year, in the Conſtitutions of a Guild erected to him by ſome of the Weſt-ſtreet in *Chicheſter*, he is ſtiled Anglorum *Protector & Patronus. In Dei nomine Amen, die Sabbati in feſto Sancti* Bartholomæi *Apoſtoli contingente* (ſo are the word of the preamble to thoſe Conſtitutions, [*] which I have) *in Anno Domini* MCCCLXVIII *indictione* VIII, *Pontificatus ſanctiſſimi in Chriſto Patris & Domini noſtri* Urbani *divina providentia Papæ* V, *Anno* XVII, *menſis* Auguſti *die* XXIV, *ad honorem S. Trinitatis ſuiq; Glorioſi Martyris* Georgii Anglorum *Protectoris & Patroni, Quidam de* Weſtrata Ciceſtr. *devoti ad ipſum Sanctum ſumma devotione excitati imaginem ipſius in Eccleſia* Ciceſtr. *honorifice erexerunt fraternitatem quandam inter eoſdem ſtatuentes &c.* But for the firſt and exact time or age; although I have not obſerved any warrantable ſtory either of Invocation of his name or other peculiar honor done to him by the *Engliſh* as drawing him to their part, before *Edward* the [x] third, yet it is very likely that he was long before taken by our Nation as their Patron-Saint, and that perhaps, in the time of the holy wars when our Anceſtors had ſo frequent acceſs, by the aſſiſtance of their ſwords to thoſe Eaſtern parts where he was ever ſince his Martyrdom and to this day is ſo magnified. And our King *Richard* the firſt's repairing his Temple at *Lydda* is before remembred by [y] *Cotovicus*. But I ſhould have the ſooner gheſſed that his name had been firſt taken to us, under *Edward* the third, if I had not ſeen that, even in a moſt antient Martyrology, peculiarly belonging to this Kingdom, he is the only Saint mentioned for the three and twentieth of *April*, though both in the *Greek* and *Latin* Martyrologies there be divers more beſides him on that day. Unleſs there had been ſome ſingular honor given him from this Nation, why ſhould his name alone be ſo honored with it? I determine nothing here. I ſee not light enough. But the Martyrology which I mean is to this purpoſe obſervable, and ſo is that memory it hath alſo of Saint *George*, that it may be ſo compared with other paſſages of his life that are publiſhed. For this is yet only Manuſcript, and in *Saxon* or the antient *Engliſh* of the time before the *Normans*, and upon the three and twentieth of *April*, or of [z] Eorlormonaþ (as it is there called) hath theſe words. On [z] þone þreo ⁊ þrentiȝ oþan dæȝ, þæt bið Sancte Georius tiþ (ſo it is written; clearly for Georȝius tiþ and the Saxons did ever keep the Latin terminations of names, as the Dutch do ſomewhat frequently at this day) þæt æþelan Martyres þone Datianus ſe Casere ſeofan ȝeare mid unaſecȝendlicum pinum hine þreatode þ he Criſt ſiþſoce ⁊ he næfre hine ofer ſriþan ne mihte; ⁊ æfter þam ſeofon ȝearum het he hine beheafdian, that is, *On the three and twentieth day, is* Saint George's *Feaſt, that noble Martyr, whom* Datianus *the Emperor*

u *Ms.*

* *Ms.*

x *Vide quod ex Walſingbamio citavimus ſupra* §. 41.

y §. 42.

z *Martyrolog. Saxon. in Bibliotheca Benedictina, apud Cantabrigienſes volumen eſt ibi* 36.

Emperor ſeven years together with unſpeakable tortures urged to renounce Chriſt, which when he could not bring to paſs, he cut off his head. And a little after, And Saincт Geopmuſ hým to Þnýhtne ȝebæd ⁊ ðuſ cpæð; Þæ-lenð Cnıſt onſoh minum ȝaſte. ⁊ ıc ðe býðde Þ ſſaſſnle man ſſa mýne ȝemýnð on eoꝛðan ðo Þonn aꝛýſſ ſſam ðæꝛ manneꝛ huſe ælce untſunýſſe ne hým ꝓeonð ne ſceðde ne hunȝoꝛ ne mancpealm; ⁊ ȝıf man mýnna nama nemneð on ænıȝne ꝓneceðnýſſe oðde on ſæ oððe on oðꝛum ſýð ꝓæte ðonne ſýlȝe ſe Þýnne mýlðheoꝛtýneſſe. Ða cæn ſtefen oꝛ heoꝛenum ⁊ cpæð, cum ðu ȝebleꝛ-ſoða, ⁊ ſſahſile man ſſa an ænıȝne ſtoꝛe ⁊ ꝓneceðnýſſe mýnne naman Þuꝛh ðe cýȝð, ıc hýne ȝe hýꝛe; that is, And Saint *George*, (at his death) *prayed to the Lord and ſaid Jeſus Chriſt receive my ſoul; and I beſeech thee that whoſoever ſhall keep my commemoration on earth, all falſhood, hurt, hunger, and ſickneſs be far from his houſe; and that whoſoever ſhall in any danger either by Sea or elſewhere, uſe my name, thou wilt be merciful to him. Then came a voice from Heaven ſaying; Come thou bleſſed, and whoſoever ſhall in any danger or place call on my name through thee, him will I hear.* After which, *Arculfus* his book is remembred (for that of *Adomannus* taken from him which is [a] before cited) as a teſtimony of his miracles. The language and hand of this Martyrologe is of about the age of Saint *Dunſtan*, or above DC years ſince. And this of his prayer at his death and the voice in anſwer of it, is thus expreſſed in old Engliſh by [b] one long ſince that wrote the lives of the chief Saints in Verſe and hath in his, the particulars of his Tortures. *England.*

[a] §. 42.

[b] *Ms. cap. 32.*

His honden he helth op on hei; a doun he sat a knie,
Lord, he sede, Jhesu Christ that alle thing might Ise
Grant me git it is thi wille, that who so in faire manere
Hait wel mi dai in Auril for my lobe on erde here,
That there ne falle in dilke hous no qualm in all the yere,
Ne gret sekneſſe, ne honger strong that thereof ne be no fere,
And ho so in perill of Se to me bidde his bone
Other in other stedes perilous, hele him thereof sone.
Tho herde hi a fois of heben that to him sede iwis
Com fort to me my blesseth child, thi bon herd is.
Tho his hed was of ismite &c.

Only, thus much I add for the name of the Emperor under whom he ſuffered. He is called often *Datianus*, which is the ſame that is given to the King of *Perſia* under whoſe tyranny he is ſuppoſed to have ſuffered in thoſe fabulous Legends of him cited by *Baronius*. How *Datianus* came to be made a name of a *Perſian* King I know not. But he is noted in the Saxon Martyrologe with the addition of Cæſepe or *Cæſar* which is moſt proper to the Emperors of *Rome* and their ſucceſſors. And therefore might not *Datianus* be miſtranſcribed into this Martyrology and elſewhere alſo for *Diocletianus?* we know that in old writing, *Juſtianus* [c] was uſed for *Juſtinianus*, as to this day it is in the *Greek* [d] Rituals. Might not *Datianus* ſo be corrupted from ſome abbreviature of *Diocletianus?* Among the *Saxon* Homilies alſo of *Alfricus* upon [e] ſome few Saints days, or rather in their lives diſtributed to their days, this Saint (by the name of *Georius*) and his Martyrdom without the vanities that others joyn with him, are deſcribed under *Datianus* (which name may be interpreted as before) and he is called an Ealdoꝛman (that is Count) of *Cappadocia* there; and in the ſpeech that

[c] *Videſis Nic. Alemann. ad Procopii Cæſ. Hiſt. Arcan. De frequenti illorum nominum inde confuſione.*

[d] *Bibl. Menſium ad April. 22. in Theodor. Syceota.*

[e] *Ms. 5. Kal. Maii.*

England. the Emperor hath with him he ſays, Geopuſ ic eom ȝehaten ; and ic hæbbe Ealdopdom on minume eapde ðeiſ ȝehaten Cappadocia ; *I am called* Georgius, *I have an Earldom in my own County called* Cappadocia. We ſee in the teſtimonies of the *Greek* Church he is called *Comes* which agrees with this of Ealdopman and Ealdopdom. *Alfricus* was Archbiſhop of *Canterbury* about a M after the death of our Saviour.

But however ; theſe are no ſlight teſtimonies that he was in great eſtimation among the *Engliſh*, even in the *Saxon* times. After that the Order was inſtituted, an addition of honour was alſo to his Feaſt day, which is the three and twentieth of *April*. For whereas antiently it had been only *minus Duplex*, it was firſt in a Convocation of the firſt of *Henry* the fourth, held under Archbiſhop *Arundel*, deſired *quod* [f] *feſtum* Sancti Georgii *Martyris qui* totius militiæ Anglicanæ Spiritualis eſt Patronus, *& penes quem in actibus Armorum præ cæteris ſanctis habetur devotius & confidentius memoria, inſtituatur per totam* Angliam *feſtivè ac ſolenniter feriandum & colendum ſicut cæteræ Nationes ſuorum Patronorum feſta colunt.* But this was deſired among divers other things, (expreſſed in a petition delivered by one *John Maidenheth* in name of all the Clergy of the Province of *Canterbury* to the Archbiſhop, and the reſt of the Biſhops) none of which at that time had any further proceeding. But afterward, upon the inſtance of King *Henry* the fifth, preparing for *France*, his day was made *Feſtum Duplex ad modum majoris Duplicis*, by a Canon of the Convocation of the Province of *Canterbury*, held in *November* MCCCCXV. For to that time muſt thoſe words of *Walſingham* be referred. *Eo tempore decretum fuit* (ſaith [g] he) *per Cleri Concilium Londoniis apud Sanctum* Paulum *celebratum, ad inſtantiam maximè Regis nunc* (ſpeaking of *Henry* the fifth) *ut feſtivitas S.* Georgii *Martyris*, *ut Duplex feſtum de cætero celebretur.* This in *Walſingham* is thus placed in MCCCCXIII or the firſt of *Henry* the fifth. But *Linwood* of it, expreſly ; *Hæc Conſtitutio fuit* Henrici Chichele *Archiepiſcopi* Cantuarienſis *moderni qui hanc Conſtitutionem ſpecialiter edidit ad excitationem Regis* Henrici Angliæ quinti *in partes* Normanniæ *tranſituri.* And *Chicheley* was not Archbiſhop in the firſt year of *Henry* the fifth. And in the Regiſters of the Convocation of that time, the letters ſent by this Archbiſhop to the Biſhop of *London* (as the uſe is in other things of like nature) for the obſervation of the day according to the Canon, are dated in *January* MCCCCXV, or the third of *Henry* the fifth. And it is, in thoſe Letters, recited in theſe words ; *Ineffabilis* [h] *& imperſcrutabilis potentiæ Dominus, cujus altitudo prudentiæ nullis incluſa limitibus, nullis terminis comprehenſa, recti cenſura judicii Cœleſtia pariter & terrena gubernat, etſi cunctos ejus miniſtros magnificet, altis decorat honoribus, & cœleſtis efficiat beatitudinis poſſeſſores, nonnullos tamen apud diverſarum Chriſtianiſſimi regionum incolas laudis & præmiorum uberiori retributione proſequitur, quos ipſarum regionum habitatoribus patronos & interceſſores ſpeciales diſpoſuit, ut ſic ipſos merito collaudet ingentior devotio populi ſub tanto patrono & interceſſoris præſidio per Dei clementiam aſſiduè ſtabilita. Hujus itaque diſpoſitionis ex clementiſſima & benigniſſima Dei Salvatoris noſtri miſericordia procedentis conſideratione,* Nationis Anglicanæ plebs fidelis, *etſi Deum in ſanctis ſuis omnibus laudare ex debito teneatur, ipſum tamen ut orbis affatus ipſaq; gratiæ deſuper conceſſæ experientia, rerũ cunctarũ interpres optima, in ſuo atteſtantur,* martyre glorioſiſſimo Beato Georgio, tanquã patrono

[f] *Regiſt. Ms.* Arundel *Arch. Cant. part.* 1. *fo.*53.*b.art.*27.

[g] *Sub initio Henrici* 5.

[h] *Regiſt. Ms.* Henrici Chicheleii *Arch. Cant. part.* 2. *fo.*2.& *fo.*114 *b.* & Lindwood *lit. de Feriis* C. *Ineffabilis. Adde his V. Cl.* Arthurum Duck *in vita Chicheleii Arch. Cant. pag.*43.

patrono & protectore dictæ Nationis ſpeciali *humanis tenetur attollere vocibus, laudibus perſonare præcipuis & ſpecialibus honoribus venerari. Hujus namque, ut indubitanter credimus, interventu nedum gentis* Angligenæ armata militia contra incurſus hoſtiles *bellorum tempore* [*tuta*] *reperitur, ſed & Cleri pugna militaris in ſacræ pacis otio ſub tanti patroni ſuffragio celebriter roboratur. Hinc eſt quod nos qui Dei laudem in ſanctis ſuis, in quibus glorioſus exiſtit, in noſtra Provincia cupimus ampliari,* Regis & Regni incolarum ad hoc hortatibus excitati, *conſratrúm noſtrorum & Cleri Provinciæ noſtræ ducti conſiliis, quinimo & noſtri Provincialis Concilii robore ac decreto ſuffulti, antiquorum Patrum pium erga Sanctos Dei devotionis affectum proſequentes,* Feſtum Beati Georgii Martyris *ſub* Officio duplici & [i] *ad modum* majoris duplicis *feſti tam per Clerum quam per populum dictæ Provinciæ per univerſas Eccleſias ejuſdem, de expreſſo conſenſu noſtrorum fratrum Cleri antedicti, volumus, ſtatuimus, & præcipimus annis ſingulis, perpetuis futuris temporibus ſolenniter celebrari & in ipſo feſto ab omni ſervili opere per omnes civitates & loca ipſius Provinciæ ſicut & prout* in feſto Natalis Domini *præcipimus feriari, quo magis in ipſo feſto plebs fidelis ad Eccleſias conveniant, Deum laudent, & ipſius ſancti & omnium Beatorum patrocinia devotius implorent & pro Rege ac Regni ſalute inſtant frequentius & exorent.* Before this, by a Canon [k] under Archbiſhop *Iſlep* in the thirty ſeventh year of *Edward* the third, the Holy days were confined to a narrow number, and to but a few more than we now obſerve, excepting the days of Dedication of Churches, and the Patron Saints of them, to which liberty *Linwood*, by reaſon of that Canon of *Chicheley*'s time, gives this exception, [l] *Excipe Feſtum* Sancti Georgii, which in that of *Iſlep* was not mentioned. And liberty was given to work on any other Saint's day. After this as before alſo in the Calendaries of the *Engliſh* Church, Saint *George*'s day was noted with *Duplex*, yet ſo that it ſtood, it ſeems, only for *Minus Duplex*, or *inferius Duplex* ſtill notwithſtanding this Canon of the Convocation. For in the Ordinal, *Pica* or *Pie* of the Church of *Salisbury* which is called alſo *Directorium Sacerdotum*, carefully rectified and publiſhed in 1508, or the beginning of *Henry* the eighth, by one Mr. *Clerke* Chantor of King's College in *Cambridge* by the direction of that Univerſity (a book by which Prieſts were taught how and when to celebrate all Feaſts of the year) this of Saint *George* occurrs frequently with *Minus Duplex* added to it. But yet it was not obſerved, it ſeems, otherwiſe than thoſe that were the *inferiora duplicia* (however the Convocation had made a Canon to the contrary) as appears by a Table *de Feſtorum Diviſione* printed at the end of the Pſalter, according to *Salisbury* uſe, where the *Majora Duplicia* are reckon'd to be *Candlemas, Corpus Chriſti* day, *All Saints*, and ſome few more (*Chriſtmas, Eaſter* and ſome ſuch more being *Principalia Duplicia*) and the *Minora Duplicia*, Saint *Stephen*'s day, Saint *John*'s, *Innocents*, the *Annunciation*, the holy days of *Eaſter* and *Whitſon* week, and ſome ſuch more, and then the *Inferiora Duplicia*, the days of Saint *Andrew*, Saint *Thomas* the Apoſtle, Saint *Matthew*, Saint *Gregory*, Saint *Ambroſe*, Saint *Mark*, Saint *Auguſtine* the Apoſtle of *England*, Saint *Michael*, and ſome more among whom Saint *George* is numbred; But with this note, *Feſtum* Sancti Georgii *ſecundum Conſtitutionem Provincialem eſt majus duplex. Et conſulo ut ita obſervetur licet hoc non habeat conſuetudo.* Whence we know clearly that it was not kept according to the Canon. In that *Ordinale* alſo, it

England.

i De Feſto duplici & quotuplex illud, *videſis Durand. Rational. lib. 7. Cap. 7. S. 31. Ordinale &c. Item Linwood ad tit. de feriis C. Ineffabilis verb. officio* duplici *et verb.* Majoris Duplicis &c.

k *Regiſt. Arch. Cant.* Sim. Iſlep *fol. 186. b.*

l *Ad tit. de Feriis C. ex ſcripturis.*

England. appears, how by reaſon of the concurrence of the three and twentieth of *April* with *Eaſter*, or Eaſter Eve, the celebration of the Feaſt every where was put off to the ninth day, or ſome other day of *May* as the caſe required in their Eccleſiaſtical Diſcipline. But in the end of an old Ms. *Ordinale* of the Province of *York*, I find it noted that if Saint *George's* day, or Saint *Wilfrid's* (which is the four and twentieth of *April*) fell on Eaſter Even (as it happens in ſome years that have either eight or nineteen for the *Cycle* of the Moon) the celebration was to be anticipated, and caſt into the eighth or ninth day preceding, or into the ſixteenth or ſeventeenth day of *April*. *Notandum* (ſo are the words) *quando feſtum* Sancti Georgii *vel* Sancti Wilfridi *in Vigilia Paſchæ evenerint, anticipetur & fiet* VIII *&* IX *die præcedente. Et fiet de Sancto* Georgio *cum novem lectionibus. Et ſint ſex primæ lectiones de communi unius Martyris.*

When the number of our holy days were neceſſarily reformed under *Henry* the eighth, for the practice of every man's labour in his vocation (which was before forbidden[l] in them) the Feaſts of the Apoſtles, of our bleſſed Lady (as the words are before *Henry* the eighth's Primer) and of Saint *George*, and the four Evangeliſts and *Mary Magdalen*, are (beſides ſome other more eminent Feaſt days) excepted in the reformation. Thus it remained a general holy day, until by Act of Parlament under *Edward* the ſixth, thoſe days which we now keep holy in our Church were ſingled out only for holy days to be *kept and commanded to be kept, Provided* always* (as the words of the Act are) *that it ſhall be lawful for the Knights of the Garter, and to every of them to keep and to celebrate ſolemnly the Feaſt of their Order commonly called* Saint George's Feaſt, *yearly from henceforth the* XXII, XXIII *and* XXIV *days of April, and at ſuch other time and times as yearly ſhall be thought convenient by the King's Highneſs his Heirs and Succeſſors, and the ſaid Knights of the ſaid Honorable Order, or any of them now being or hereafter to be; any thing in this Act heretofore mentioned to the contrary notwithſtanding.* This Act was repealed in Queen *Maries* time, but it is ſince revived.

[l] *Videſis Linwood ad tit. de feriis c. ineffabilis, verb. Omni ſervili opere*

* 5, & 6 Ed. 6. cap. 3.

Notwithſtanding theſe teſtimonies both of the Eaſtern and Weſtern Churches, and the ſo antient and continued honour done to this Martyr, and that by our Nation particularly; there have been ſome and that moſt [m] learned men, who in our age (for we find not any of them antienter) while they have fervently oppoſed the invocation of his name with others, have denied him alſo any being at all, unleſs you will, with them, make him the ſame with the *Arrian* Heretick *George* Biſhop of *Alexandria*, cruelly murdered there, of whom *Ammian.* [n] *Marcell.* St. *Athanaſius* [o] and *Gregory Nazianzen* [p] have obvious mention. This *Arrian*, they ſay, began to be worſhiped as a Saint, was alſo of *Cappadocia*, and that the Saint *George* we ſpeak of as the Patron Saint of the *Engliſh*, is mentioned in no good ſtory of the Church but grew in Legends, to be that he is now made, out of that Heretick's name of *Alexandria*. And they would ſo have the whole picture of Our Saint *George* (whereof more preſently) to be ſymbolical and not hiſtorical. For divers circumſtances of his martyrdom, I confeſs, there is no reaſon we ſhould believe them as they are related, being ſo incredible, ſo various, and ſo contrary ſometimes one to the other. But that is common to him with many other Martyrs, of whoſe having been Martyrs, we doubt not, though their miracles and many of the circum-

m *Vide Rainold. de Idololatria lib. 1. cap. 5. &c.*

n *Lib. 22.*

o *Apol. 2. & de fuga ſua & Epiſt. ad ſolit. vit. degentes.*

p *Orat. in laud. Athanaſ.*

circumſtances of their ſufferings be too incredible. The queſtion is only whether there were one or no of this name that ſuffered death in the perſecutions as a Martyr, and that at *Lidda* or *Dioſpolis*, being a *Cappadocian*. For good ſtories of him; We know that of the time wherein he is ſuppoſed to have ſuffered, we have no Hiſtorian of the Church but *Euſebius*, who mentions not the name of one Martyr in divers hundreds that he tells us of in general. But the many and antient Dedications of Churches to him, old relations of his Miracles and Apparitions, the peculiar Liturgies and Feſtivals in both Churches belonging to him, and divers other particulars before mentioned or deſigned of him (his being a Martyr having been never, before this age queſtioned) may ſupply the full weight of the beſt Eccleſiaſtical ſtory that could have been left of him. And for the arguments brought againſt him out of the name of that *Arrian* of *Alexandria*, as if poſterity had turned that Heretick into this Martyr, and ſo created him with a fiction of miſtaking; there is no other warrant for any ſuch ſuppoſition but mere fancy. For it is plain by *Ammianus Marcellinus*, that the *Arrian George* was a *Cilician*, not a *Cappadocian*; though he came indeed, being ſent for out of *Cappadocia*, as we know out of *Athanaſius*. Neither is there any thing in the relations of them, common to them both but the name only of *Cappadocia* which to the one was a place of former abode, to the other both of abode and birth, as it is uſually taken. Neither appears it that the *Arrian* was ever worſhip'd or begun to be worſhip'd as a Saint, nor doth the place brought to prove ſo much out of *Epiphanius* [q] warrant with any other colour any ſuch matter. So that whether Saint *George* were at all or not, depends only upon the authority of the ſo antient Conſent and Uſe of the Churches of the Eaſt and Weſt. And nothing at all that is deduced out of the ſtory of *George* the *Arrian* of *Alexandria* and applied to this of ours, doth in the leaſt degree, if rightly conſidered, impeach the truth of his Martyrdom. And, which is principally to be thought of here; The Martyrdom of our Saint *George* is placed under *Dioclesian*; about CCXC of Chriſt. That rage of the people in murdering him of *Alexandria* after CCCLX; ſo that there interceeds LXX years between them. Why ſhould we now begin ſo to confound into one theſe two, who for above MCCC years time, have in both Churches with all publick atteſtation kept ſo ſeveral, that as the one was highly worſhiped for a Saint and Martyr, ſo the other hath been remembred only as a moſt wicked Heretick and moſt different in his Life, Dignity, Death and Age from the other.

England.

[q] *Hæreſ. 76. contra Anomæos.*

XLIV. The Figure of S. *George* armed on horſeback and the Dragon under him (juſt like the Arms of the Emperor of *Ruſſia*) is that which is fixt to the Collar of the Order. For his being armed and on horſeback; no apter figure could be made of him, being ſuppoſed a Soldier and a Commander, as is before ſhewed. And the *Greeks* antiently ſhaped him ſo, as appears in *Nicephorus* [t] *Gregoras*. But ſome have thought that the Dragon was rather ſymbolically added than upon any hiſtorical and juſt ground. It was as antient a faſhion as *Conſtantine* the Great to expreſs the Devil in that ſhape, becauſe he is ſo called in holy Scriptures. And therefore alſo did *Conſtantine* command his own picture, as of one that triumphed over the Devil, to be made with the Croſs over it, and a Dragon by him thruſt through with a Sword, and tumbled

[t] *Hiſt. 8.*

England. tumbled headlong into the Sea, which saith *Eusebius* [u] was but a figure of that in the Prophet *Esay*, *In* [x] *that day the Lord with his sore and great and mighty Sword shall visit the Dragon* (so the Septuagint turn לויתן *Leviathan*) *that piercing Serpent, even the Dragon that crooked Serpent, and he shall slay the Dragon that is in the Sea.* In other figures he hath sometimes before him a Maid kneeling, which learned men have conceived also to be only symbolical, and to denote some Country or City only imploring his aid, and the old fashion being (as at this day) to expose Countries and Cities in feminine shapes. And both for the Dragon and the Maid, I add here the words of *Baronius*. *Pictura illa* (saith [y] he) *S.* Georgii *qua effingitur Eques armatus, qui hastæ cuspide Draconem interficit juxta quem etiam virgo posita manus supplices tendens imploret auxilium; symboli potius quam historiæ alicujus opinor esse expressam imaginem. In nullis enim, quæ recensuimus, S.* Georgii *actis antiquis, quicquam ejusmodi legitur. Sed à* Jacobo de Voragine, *absq; aliqua majorum autoritate, ea ad historiam referuntur, quæ adversus Diaboli vires tanti Martyris impleret auxilium.* But, saith he, *Non imus inficias S.* Georgium (so it should be; but in the edition at *Rome*, it is misprinted S. *Gregorium*) *ut Equestris militiæ militem, Equestri imagine referri consuevisse.* Some passages there are of this figure in the Duke of *Somerset*'s Letters to *Stephen Gardiner* Bishop of *Winchester*, and other such reported in *Foxe*'s Acts of the Church of *England*, which I omit here, as also what *Erberdus Cellius*, and such more have of it. And I conclude with those Verses in that neat Poem of the marriage of [z] *Tame* and *Isis*, where the *Thames* is personated thus speaking to *Windsor* of this Order, with a very small variation;

[u] *De vita Constantin. lib. 3.*
[x] *Isaiæ cap. 27 comm. 1.*
[y] *Ad April. 23. in Martyrolog. Roman.*
[z] *Camden. in Atrebatiis pag. 209.*

——*Cappadocis tu clara* Georgi
Militia; Procerumque cohors, chlamydata intenti
Cincta periscelidi suras, te lumine tanto
Illustrat, tantis radiis perstringit & Orbem
Ut jam Phryxeæum spernet Burgundia *vellus,*
Contemnat cochleis variatos Gallia *torques,*
Et cruce conspicuas Pallas, Rhodus, Alcala & Elba,
Solaque Militiæ sit splendida gloria vestra.

XLV. It rests that we come to the Order of the *Bath*. No man I think believes the fabulous assertions of *Julius Cæsar* his making Knights of the Bath, which some durst give out to the world among the like vanities, which we no further touch here. The first expres mention of them, as of a distinct Order, is commonly attributed to the beginning of *Henry* the fourth. He preparing for his Coronation, made XLVI Knights at the Tower that were bathed. *Celle nuict* (saith *Froissart* speaking of the Saturday before his Coronation) *y veillerent tous les Escuyers, qui devoient estre faitz Chevaliers le lendemain, que furent le nombre de* XLVI *& eurent tous ses Escuyers, chacun sa chambre, & chacun* sa baign *ou ils se baignerent celle nuict; & lendemain le Duc de Lancastre les fit Chevaliers a sa messe & leur donna longues cottes verdes a estreits manches fourrees de menuver en guise de Prelats, & avoint les dits Chevaliers sur la senestre espaule un double cordeau de soye blanche a blanches houpells pendans.* But observe what is before said touching bathing in making Knights Bachilers, by the King both of *France* and *England*, [a] long before *Henry* the fourth. The Ceremonies at their

[a] *Supra* S. 24

Creations

Creations are at large delivered by [b] *Camden*, [c] *Segar*, and others. And some memories of [d] Coronations, Creations of the Prince of *Wales*, and of the Duke of *York*, have likewise the Ceremonies of taking this order at large which we omit here. But their being Bathed, is the Ceremony whence they are denominated. The Ensigns in the Creation of a Knight of the Bath are, besides Robes and such like, the Sword and gilt Spurrs wherewith he is invested after the Vigils, Bathing, and such other precedent solemnities; all or most part of which were antiently used in making of Knights Bachilers or *Milites Simplices*, as is before shewed. After the Creation they all dine together, and, as they come from dinner, the King's Master Cook shews to them his Knife, and admonishes them that they prove good and faithful Knights, which if they do not he threatens them to cut off their Spurs. Touching that you may observe what before occurrs in the preamble of the Judgement against Sir *Ralph Grey* [e] under *Edward* the fourth. These kind of Knights have been usually created out of the choicest of such as have not before received the Order of Knighthood, and this at Coronation or Knighting of the Prince, and such like of the greatest Solemnities at Court. The antientest Writer that purposely handling the nature of Knighthood mentions this Order, is *Nicholas Upton* [f] that lived under *Henry* the sixth. Immediately after his Chapter which is before [g] transcribed in the Knights of the Empire, touching who may create Knights, he goes on with the form of Creation under this Title; *Quibus modis creantur milites*; saith he, *Creantur milites multis modis. Primo modo ut prædixi apud S. Sepulchrum, ut prædictum est. Creantur in alio modo Milites, viz. per* Balneum, *qui modus multum observatur in Anglia, & in aliis regnis* (to which purpose observe what is before in the Knights of [h] *France*) *ubi regnat Pax. De isto modo, dic ut ibi*; that is he referrs you to the precedent Chapter for the knowledge of such persons as might create them. And then he goes on with that which is transcribed in the [i] Ceremonies of Court, that have been used with us at the making of Knights Bachilers. And then among other things, speaking of those *Stigmata*, or *insignia militaria*, as necessary concurrents to Knighthood under the Imperial Laws, *Item quinto* (saith he; his other four things necessarily concurrent are *Genus*, *Scriptura*, *Fides*, *Examen*, and the sixth is *Ensis*) *quod stigmata sive insignia militaria ei imponantur ut C. de Fabricensibus L.* III *lib.* XI *sicut illi milites qui creantur per* Balneum *de consuetudine in humero sinistro suum stigma militare album* [*ferunt*;] *quod quidem stigma dictus tyro portabit quousq; fecerit aliquod notabile factum nisi aliqua notabilis Domina illud tollat, ut docet consuetudo Angliæ.* That *stigma album*, as he means it (although the phrase bear it not) is the *Cordean de soy*, or the Silk ribband in that cited out of *Froissart*. I add here that to a French [k] relation of the Ceremonies, written about our *Henry* the Seventh, this title is prefixed *Le ordre pur faire les Chivaliers de la Bathe selonque le custome D'engleterre & auxi selonque le custome de les auncient Romanes*; and that *Henry* the seventh sent Writs to divers Lords and Gentlemen to come *ad ordinem Militiæ de Balneo suscipiendum*, at the making of *Henry* his second son Duke of *York*, *juxta* (as the words [l] of the Writ are) *antiquam consuetudinem in creatione usitatam.* And this was commanded by *Subpœnas* of five hundred pounds.

England.

b *Brit. pag.* 124

c Honor military and Civil *lib.* 2. *cap.* 11.

d *Ms.*

e §. 38.

f *Ms. de militia lib.* 1 *cap.* 3.

g *Part.* 2. *Chap.* 1. §. 62.

h *Cap.* 3. §. 24.

i §. 34. *Supra.*

k *Ms.*

l *Dors. Claus.* 10 *H.* 7. 20. *Sept.*

XLVI. After these Orders of Knighthood, we come to the lately erected

England. rected Title of Baronet which follows according to our first division of the dignities of *England*. The word *Baronet* was antient, as is already shewed in the Title of *Banneret* both of *France* and *England*. But as it was in such use, it hath no relation to this later Title. The first Creation of this was in the ninth year of King *James*. He in that year [m] on the two and twentieth of *May* made divers by Patents that differed not one from another in any syllable more than the names of them that were created. The form was thus.

m Pat. 9 Jac. R. part. 45.

JAcobus *Dei Gratia &c. Salutem. Cum inter alias Imperii nostri gerendi curas, quibus animus noster assiduè exercetur, illa non minima sit, nec minimi momenti, de Plantatione Regni nostri* Hiberniæ, *ac potissimum* Ultoniæ *amplæ & percelebris ejusdem Regni Provinciæ, quam, nostris jam auspiciis atque armis, fœliciter sub obsequii jugum redactam, ita constabilire elaboramus, ut tanta Provincia, non solum sincero Religionis cultu, humanitate civili, morumque probitate, verum etiam opum affluentia, atque omnium rerum copia quæ statum Reipublicæ ornare vel beare possit, magis magisque efflorescat; Opus sane, quod nulli progenitorum nostrorum præstare & perficere licuit, quamvis id ipsum multa sanguinis & opum profusione sæpius tentaverit; In quo opere, sollicitudo nostra Regia, non solum ad hoc excubare debet, ut Plantatio ipsa strenuè promoveatur, oppida condantur, ædes & castra extruantur, agricolantur, & id genus alia; Sed etiam prospiciendum imprimis ut universus hujusmodi rerum civilium apparatus, manu armata, præsidiis videlicet & cohortibus, protegatur & communiatur, ne qua aut vis hostilis, aut defectio intestina, rem disturbet aut impediat: Cumque nobis intimatum sit, ex parte quorundam ex fidelibus nostris subditis, quod ipsi paratissimi sint, ad hoc Regium nostrum inceptum, tam corporibus, quam fortunis suis promovendum: Nos commoti operis tam sancti ac salutaris intuitu, atque gratos habentes hujusmodi generosos affectus, atque propensas in obsequium nostrum & bonum publicum voluntates, Statuimus apud nos ipsos nulli rei deesse, quæ subditorum nostrorum studia præfata remunerare, aut aliorum animos atque alacritatem, ad operas suas præstandas, aut impensas in hac parte faciendas, excitare possit; Itaque nobiscum perpendentes atque reputantes, virtutem & industriam, nulla alia re magis quam honore ali atque acui, omnemque honoris & dignitatis splendorem, & amplitudinem à Rege tanquam à fonte, originem & incrementum ducere, ad cujus culmen & fastigium propriè spectat, novos honorum & dignitatum titulos erigere atque instituere, utpote à quo antiqui*

illi

illi fluxerint ; conſentaneum duximus (poſtulante uſu Reipub- England.
licæ atque temporum ratione) nova merita novis dignitatum in-ſignibus rependere : Ac propterea, ex certa ſcientia & mero motu noſtris, Ordinavimus, ereximus, conſtituimus, & creavimus, quendam ſtatum, gradum, dignitatem, nomen & titulum Baronetti, (*Anglice* of a Baronet) *infra hoc Regnum noſtrum Angliæ perpetuis temporibus duraturum. Sciatis modo, quod nos de gratia noſtra ſpeciali ac ex certa ſcientia & mero motu noſtris, ereximus, præfecimus & creavimus, ac per præſentes pro nobis, Hæredibus & ſucceſſoribus noſtris, erigimus, præficimus, & creamus dilectum noſtrum* A. B. *de* C. *in Comitatu* D. *virum, familia, patrimonio, cenſu, & morum probitate ſpectatum (qui nobis auxilium & ſubſidium ſatis amplum, generoſo & liberali animo dedit & præſtitit, ad manutenendum & ſupportandum triginta viros in cohortibus noſtris pedeſtribus in dicto Regno noſtro* Hiberniæ, *per tres annos integros pro defenſione dicti Regni noſtri, & præcipuè pro ſecuritate plantationis dictæ provinciæ* Ultoniæ) *ad, & in dignitatem, ſtatum, & gradum* Baronetti (*Anglice* of a Baronet) *Ipſumque* A. B. *Baronettum pro nobis, hæredibus, & ſucceſſoribus noſtris, præficimus, conſtituimus & creamus per præſentes, habendum ſibi & hæredibus maſculis de corpore ſuo legitime procreatis imperpetuum. Volumus etiam & per præſentes de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris, pro nobis, Hæredibus & ſucceſſoribus noſtris concedimus præfato* A. B. *& Hæredibus maſculis de corpore ſuo legitimè procreatis, Quod ipſe idem* A. B. *& Hæredes ſui maſculi prædicti habeant, gaudeant, teneant, & capiant locum atque Præcedentiam, virtute dignitatis* Baronetti *prædicti & vigore præſentium, tam in omnibus Commiſſionibus, brevibus, literis patentibus, ſcriptis, appellationibus, nominationibus & directionibus, quam in omnibus Seſſionibus, Conventibus, Cætibus & locis quibuſcunque præ omnibus militibus, tam de Balneo (Anglicè* of the Bathe) *quam militibus Baccalaureis (Anglice* Bachelors) *ac etiam præ omnibus militibus Bannerettis, (Anglice* Bannerets) *jam creatis, vel impoſterum creandis, (Illis militibus Bannerettis tantummodo exceptis, quos ſub vexillis Regiis, in exercitu regali in aperto bello, & ipſo Rege perſonaliter præſente, explicatis, & non aliter creari contigerit.) Quodque uxores dicti* A. B. *& Hæredum maſculorum ſuorum prædictorum, virtute dictæ dignitatis maritorum ſuorum prædictorum, habeant, teneant, gaudeant, & capiant locum & præcedentiam, præ uxoribus omni-*

England. *um aliorum quorumcunque præ quibus mariti hujusmodi uxorum, vigore præsentium habere debent locum & præcedentiam; Atque quod primogenitus filius, ac cæteri omnes filii & eorum uxores & filiæ ejusdem* A. B. *& hæredum suorum prædictorum respectivè, habeant, & capiant locum & præcedentiam ante primogenitos filios, ac alios filios & eorum uxores, & filias omnium quorumcunque respectivè, præ quibus patres hujusmodi filiorum primogenitorum, & aliorum filiorum & eorum uxores, & filiarum, vigore præsentium habere debent locum & præcedentiam. Volumus etiam, & per præsentes pro nobis, hæredibus, & successoribus nostris, de gratia nostra speciali, ac ex certa scientia, & mero motu nostris concedimus, quod dictus* A. B. *nominetur, appelletur, nuncupetur, placitet & implacitetur, per nomen* A. B. Baronetti ; *Et quod stilus & additio* Baronetti *apponatur in fine nominis ejusdem* A. B. *& hæredum masculorum suorum prædictorum , & omnibus Literis Patentibus, Commissionibus, & Brevibus nostris atque omnibus aliis Chartis, factis, atque literis, virtute præsentium, ut vera, legitima, & necessaria additio dignitatis. Volumus etiam, & per præsentes pro nobis, hæredibus, et successoribus nostris ordinamus, quod nomini dicti* A. B. *et Hæredum masculorum suorum prædictorum , in sermone Anglicano, et omnibus scriptis Anglicanis, præponatur hæc additio, videlicet Anglicè,* Sir, *Et similiter quod uxores ejusdem* A. B. *et Hæredum masculorum suorum prædictorum, habeant , utantur, et gaudeant hac appellatione , videlicet Anglicè* Lady , Madame , *et* Dame , *respectivè , secundum usum loquendi. Habendum, tenendum, utendum, et gaudendum , eadem statum , gradum, dignitatem, stilum , titulum , nomen , locum , et præcedentiam, cum omnibus et singulis Privilegiis, et cæteris præmissis, præfato* A. B. *et hæredibus masculis de corpore exeuntibus imperpetuum. Volentes et per Præsentes concedentes, pro Nobis, Hæredibus et Successoribus Nostris, quod prædictus* A. B. *et hæredes sui masculi prædicti, nomen, statum, gradum, stilum, dignitatem, titulum, locum, et præcedentiam prædictam, cum omnibus et singulis Privilegiis et cæteris præmissis successive, gerant et habeant, et eorum quilibet gerat et habeat, quodque idem* A. B. *et Hæredes sui Masculi prædicti successivè* Baronetti *in omnibus teneantur, Et ut* Baronetti *tractentur et reputentur. Et ulterius de uberiori gratia nostra speciali, ac ex certa scientia et mero motu nostris concessimus, ac per præsentes pro Nobis, Hæredibus et successoribus nostris concedimus præfato* A. B. *et Hæredibus*

suis

ſuis maſculis prædictis, quod numerus Baronettorum hujus regni Angliæ nunquam poſthac excedet in toto, in aliquo uno tempore, numerum ducentorum Baronettorum: et quod dicti Baronetti, *et eorum Hæredes maſculi prædicti reſpectivè, de tempore in tempus in perpetuum, habebunt tenebunt et gaudebunt locos et præcedentias ſuas inter ſe, videlicet, quilibet eorum ſecundum prioritatem et ſenioritatem Creationis ſuæ* Baronetti *prædicti; quotquot autem creati ſunt vel creabuntur* Baronetti *per literas noſtras Patentes, gerentes Datas uno & eodem die, & Hæredes ſui prædicti, gaudebunt locis & præcedentiis ſuis inter ſe ſecundum prioritatem, quæ cuilibet eorum dabitur, per alias literas noſtras Patentes in ea parte primo conficiendas, ſine impedimento, & non aliter, nec alio modo. Et inſuper de abundantiori gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris conceſſimus, ac per præſentes, pro nobis, hæredibus & ſucceſſoribus noſtris concedimus præfato* A. B. *& hæredibus ſuis Maſculis prædictis, quod nec Nos, nec Hæredes vel Succeſſores Noſtri, de cætero in poſterum erigemus, ordinabimus, conſtituemus, aut creabimus infra hoc Regnum noſtrum Angliæ aliquem alium gradum, ordinem, nomen, titulum, dignitatem, ſive ſtatum, ſub vel infra gradum, dignitatem, ſive ſtatum* Baronum, *hujus Regni noſtri Angliæ, qui erit vel eſſe poſſit ſuperior vel æqualis gradui & dignitati* Baronettorum *prædictorum, ſed quod tam dictus* A. B. *et hæredes ſui maſculi prædicti, quam uxores, filii, uxores filiorum et filiæ ejuſdem* A. B. *et hæredum maſculorum ſuorum prædictorum, de cætero in perpetuum liberè et quietè habeant, teneant, et gaudeant, dignitates, locos et præcedentias ſuas prædictas præ omnibus, qui erunt de talibus gradibus, ſtatibus, dignitatibus vel ordinibus in poſterum, ut præfertur, creandi reſpectivè ſecundum veram intentionem præſentium abſq; impedimento noſtro, hæredum vel ſucceſſorum noſtrorum, vel aliorum quorumcunque. Et ulterius per præſentes declaramus, et ſignificamus beneplacitum et voluntatem noſtram in hac parte fore et eſſe, Et ſic nobiſcum ſtatuimus et decrevimus, quod ſi poſtquam nos prædictum numerum ducentorum Baronettorum hujus Regni Angliæ compleverimus et perfecerimus, Contigerit aliquem, vel aliquos eorundem Baronettorum ab hac vita diſcedere, abſque Hærede maſculo de corpore vel corporibus hujuſmodi* Baronetti *vel Baronettorum procreato, quod tunc nos non creabimus, vel præficiemus aliquam aliam perſonam, vel perſonas in Baronettum, vel Baronettos Regni Angliæ, ſed quod numerus dictorum Ducentorum Baronettorum ea ratione* England.

England. *de tempore in tempus diminuetur, et in minorem numerum cedet et redigetur ; Denique volumus, ac per præsentes, pro nobis, hæredibus et successoribus nostris de gratia nostra speciali, ac ex certa scientia et mero motu nostris concedimus præfato* A. B. *et Hæredibus suis masculis prædictis, quod hæ literæ nostræ Patentes erunt in omnibus, et per omnia firmæ, validæ, bonæ, sufficientes et effectuales in lege, tam contra nos, hæredes et successores nostros, quam contra omnes alios quoscunque secundum veram intentionem earundem, tam in omnibus curiis nostris, quam alibi ubicumque. Non obstante aliqua lege, consuetudine, præscriptione, usu, ordinatione sive constitutione quacunque antehac edita, habita, usitata, ordinata, sive provisa, vel in posterum edenda, habenda, usitanda, ordinanda, vel providenda : Et non obstante aliqua alia re, causa vel materia quacunque. Volumus etiam &c. Absque fine in Hanaperio, &c. Eo quod expressa mentio, &c. In cujus rei, &c. Teste, &c.*

Afterward divers others were made by the like Patents that passed to some by warrants of the Privy Seal, and to others by warrants of Commissioners authorized under the great Seal for treating with such as desired to be created upon the terms in the preamble of the Patent, and for giving warrant for the Creation of them. And to those Commissioners instructions were also annexed to their Commission in these words.

FOrasmuch, as We have been pleased to authorize you to *Treate* and *conclude* with a certain number of *Knights* and *Esquires*, as they shall present themselves unto you with such offers of *assistance* for the *service* of *Ireland*, and under such *Conditions* as are contained in these *Presents*, wherein We do repose great trust and confidence in your *discretions* and *integrities*, knowing well that in such cases, there are so many *circumstances* incident, as require a choice care and *consideration*. We do hereby require you to take such course as may make known abroad both Our *purpose*, and the *Authority* given unto you, That by the more *publick notice* thereof, those persons who are disposed to advance so good a *work*, may in time understand *where*, and to *whom* to address themselves for the same ; For which purpose We require you to appoint some certain *place* and *times* for their *Access*: which We think fittest to be at the *Councel Chamber* at *Whitehall*, upon Wednesdays and Fridays in the afternoon, where you shall make known to them (as they come) that those who desire to be admitted into the *dignity* of *Baronets*, must

must maintain the number of thirty *foot-Souldiers* in *Ire-land*, for three years, after the rate of *eight pence* sterling Money of *England* by the day; And the wages of one whole year to be paid into Our *Receipt*, upon passing of the *Patent*. *England.*

Provided always, that you proceed with none, except it shall appear unto you upon good proof, that they are men for *quality*, *state* of *living*, and good reputation worthy of the same; and that they are at the least descended of a Grandfather by the Fathers side that bare *Armes*, And have also of certain yearly *revenue* in Lands of *inheritance* in possession, one Thousand pounds *per Annum de claro*; Or lands of the old *Rent*, as good (in accompt) as one Thousand pounds *per Annum* of *improved Rents*, Or at the least two parts in three parts to be divided of *Lands*, to the said *values* in *possession*, and the other third part in *reversion*, expectant upon one life only, holding by *Dower*, or in *Joynture*.

And for the Order to be observed in ranking those, that shall receive the dignity of a *Baronet*, although it is to be wished, that those *Knights*, which have now place before other *Knights* (in respect of the time of their *Creation*) may be ranked before others, (*Cæteris paribus*) yet because this is a *Dignity*, which shall be *Hereditary*, wherein divers circumstances are more considerable, than such a Mark as is but *Temporary*, (that is to say, of being now a *Knight*, in time before an other) Our pleasure is, you shall not be so precise, in placing those that shall receive this *Dignity*, but that an *Esquire* of great *Antiquity*, and extraordinary living, may be ranked in this *choice* before some *Knights*. And so (of *Knights*) a man of a greater living, more *Remarkable* for his house, years, or calling in the *Common-wealth*, may be now preferred in this *Degree*, before one that was made a Knight before him.

Next, because there is nothing of *Honour*, or of *value*, which is known to be sought or desired (be the *Motives* never so good) but may receive scandal from some; who (wanting the same good affection to the *publick*) or being in other considerations *incapable*, can be contented out of envy to those that are so preferred, to cast *aspersions*, and *imputations* upon them, as if they came by this *dignity* for any other consideration, but that which concerneth this so *publick* and *memorable* a work, You shall take *order*, That the *party*, who

England. who shall receive this *dignity*, may take his *Oath*, that neither he (nor any for him) hath *directly* or *indirectly* given any more for attaining the *degree*, or any *precedence* in it, than that which is necessary for the *maintenance* of the *number* of *Soldiers*, in such sort, as aforesaid, saving the *charges* of passing his *Patent*.

And because We are not ignorant, that in the *distribution* of all *Honours*, most men will be desirous to *attain* to so high a place as they may, in the *Judgment* whereof (being matter of *dignity*) there cannot be too great *caution* used to avoid the *interruptions* that *private partialities* may breed in so worthy a *Competition*.

Forasmuch as it is well known, that it can concern no other *person* so much to prevent all such *inconveniences*, as it must do Our self, from whom all *Honour* and *Dignity* (either *Temporary*, or *Hereditary*) hath his only *root* and beginning; You shall *publish* and *declare* to all, to whom it may concern, That for the better *warrant* of your own *Actions*, in this matter of Precedency (wherein We find you so desirous to avoid all just *exceptions*) We are determined upon view of all those *Patents*, which shall be *subscribed* by you, before the same pass Our *great Seal*, to take the especial *care* upon Us, to *order* and *rank* every man in his due place; And therein always to use the particular *counsel* and *advice*, that you Our *Commissioners* shall give Us, of whose *integrity* and *circumspection*, We have so good *experience*, and are so well *perswaded*, as We assure Our self, you will use all the best means you may to inform your own *Judgments* in cases *doubtful*, before you deliver Us any such *opinion* as may lead us in a *case* of this *Nature*, wherein Our *intention* is (by due *consideration* of all necessary *circumstances*) to give every man that *satisfaction*, which standeth with *Honour* and *Reason*.

Lastly, having now *directed* you, how, and with what *caution* you are to entertain the *Offers* of such as shall present themselves for this *dignity*, We do also require you to *observe* these two *things*, The one, That every such *person* as shall be admitted, do enter into sufficient *Bond* or *Recognizance*, to Our *use*, for the *payment* of that *portion*, which shall be *remaining* after the first *paiment* is made, Which you are to see *paid*, upon *delivery* of the *Letters Patents*; The other, That seeing this *Contribution* for so *publick* an *Action*, is the *motive* of this dignity, And that the greatest *good* which

which may be *expected* upon this *Plantation*, will *depend* upon the certain *paiment* of thoſe *Forces*, which ſhall be fit to be *maintained* in that *Kingdom*, until the ſame be well *eſtabliſhed*, the charge whereof will be born with the greater *difficulty*, if We be not *eaſed* by ſome ſuch *extraordinary means*; We require you Our *Treaſurer* of *England*, ſo to order this *Receipt*, as no part thereof be mixed with Our other *Treaſure*, but kept apart by it ſelf, to be wholly converted to that *uſe*, to which it is *given*, and *entended*; And in regard thereof, that you aſſign it to be received, and the *Bonds* to be kept by ſome ſuch particular *perſon*, as you ſhall think good to *appoint*, who upon the *paiment* of every ſeveral *portion*, ſhall both deliver out the *Bonds*, and give his *Aquitance* for the ſame. For which this ſhall be *yours*, and *his* the ſaid *Receivour's* ſufficient *Warrant* in that behalf. *England.*

That Commiſſion held but for ſome part of that year. Since, divers have been created into that dignity, and their Patents are obvious in the Rolls. And the year following a Decree was made touching their place and precedence which is at large in the laſt Chapter of this part. To that Decree was alſo added that the Baronets and their eldeſt ſons * being of full age ſhould be Knighted; and that they and their deſcendants ſhould bear either in a Canton in their Coat of Armes, or in an inſcutcheon, at their election, the Armes of *Ulſter*; that is, in a field Argent a hand *Geules* or a bloody hand, and alſo that Baronets for the time being ſhould have place in the Armies of the King's Majeſty his heirs and ſucceſſors in the groſs near about the Standard, with ſome other particulars for their *Funerals*.

* *Pat.* 10 *Jacobi part.* 10. *n.* 8.

XLVII. The laſt Title of our diviſion here, is that of *Eſquire* or *Armiger* which is between the dignity of Knight Bachiler and the common Title of Gentleman. And it is of that Nature with us now, that to whomſoever, either by blood, place in the State or other eminency, we conceive ſome higher attribute ſhould be given, than that ſole Title of Gentleman, knowing yet that he hath no other honorary Title legally fixed on him, we uſually ſtile him an *Eſquire*, in ſuch paſſages as require legally that his degree or ſtate be mentioned; as eſpecially in [a] Indictments and Actions whereupon he may be outlawed. Thoſe of other Nations that are Barons or great Lords in their own Countries, and no Knights, are in legal [b] proceedings ſtiled with us, Eſquires only. Some of our greateſt Heralds have their diviſions of our Eſquires applied to this day. I leave them as I ſee them, where [c] they may eaſily be found. The Original of this Title doubtleſs was with us alſo from the Office or function of *Armiger* or *Scutifer*, touching which we have already ſpoken in the dignities of the Empire and of *France*. From the time of King *Henry* the fifth, when the Statute of Additions was made, it often occurrs in a legal addition. Yet long before it was a general name with us for ſuch as were

a *Juxta ſtat.* 1 *Hen.* 5. *cap.* 1.

b *Coke part.* 9. *fol.* 117. *quin & vide* 32 *H.* 6. *fol.* 29. & *Br. tit.* Noſme 61.

c *Camden in Brit. pag.* 127. Glover Somerſet *apud* Segar, *lib.* 4. *cap.* 14. *&c.*

England. were, it seems, by their military Imployment, *militaris ordinis candidati*, and being beneath Knights Bachilers, were either attendant on them or some greater persons, or imployed otherwise in the wars under that name; or had it by Creation, whereof some example also is anon shewed. Thence it is that in *Froissart* we have so frequently *Chivalers & Esquiers* to express the best part of the Army, and the like of *Milites & Armigeri* in others. In the elder times *Serviens*, seems to supply the Title of Esquire, and yet is sometimes distinguished from it, and divers other observable passages are found touching both Titles, some of which I had rather here select, and offer them to the view of better judgments, than rashly extract any conclusions from them.

The antientest mention that I can remember with us of the Title of *Armigeri* is in *Ordericus Vitalis* speaking of *William Fitz-Osborne* Earl of *Hereford*, & *Odo* Earl of *Kent*, in the time of the Conqueror; *Nimia cervicositate tumebant* (saith [d] he) *& clamores Anglorũ rationabiliter audire eisq; æquitatis lance suffragari despiciebant. Nam* Armigeros *suos, immodicas prædas & incestos raptus facientes, vi tuebantur.* And at *Barham Downe* (saith *Matthew* [e] *Paris*) *æstimati sunt inter* Milites electos & servientes strenuos *& bene armatos sexaginta millia virorum fortium.* In the Army also at *Lincoln* in the beginning of King *Henry* the third on the King's part *recensiti sunt* (sayes the same [f] Writer) *Milites* CCCC *Bachilarii fermè* CCL; servientes *quoq;* & Equites *tot & tales affuerunt innumeri quot vices Militum possent pro necessitate implere.* And there were taken of the Barons part, *Milites* CCCC *præter* servientes, *equites, & pedites qui facile sub numero non cadebant.* And *interfectus est in illo conflictu* serviens *quidam ex parte Baronum omnibus ignotus.* And afterward [g] *Milites etiam omnes & servientes sine pœna & redemptione relaxati sunt à Rege.* *Bracton* also speaking [h] of the Knights that are to be sent by the Sheriff to make the view upon an Essoin *de malo lecti*, says that it is not sufficient *si Vicecomes mittat* servientes. *Milites enim esse debent propter verba brevis*; as if clearly *serviens* had been next dignity to Knight. Yet the young heirs that were to be Knighted (and so in the next degree to a Knight) were comprehended also under the Title of [i] *Valetti*. And *Valet* or *Vadlet* was antiently with us as in *France* also a name specially denoting young Gentlemen though of great discent or quality, although it be now both with us and them given to those of the rank of Yeomen. And so was it taken under *Henry* the sixth with us, as we see in the Statute of his three and twentieth year touching the Choice of Knights of the Shire. They must be (saith the Statute) either Knights *ou autrement tielx notables Esquiers, Gentileshomes del nativitie des mesmes les Counties come soient ables destre Chevalier, & nul home destre tiel Chivalier que estoite en le degree de* Vadlet *& desouth.* And it is but the same word which is become to be *Varlet*, and signifies sometimes as *Knave* now doth, although both of them were antiently names of Civil degrees or service only, as, among divers other testimonies, in an old little [k] Glossary of *Nomina graduum*, of about two hundred years since. The words are, *Garconet* **little Boy**, *Garcon* **Knabe**, *Varleton* **Grome**, *Varlet* **Yeoman**, *Gentilhome* **Gentleman** &c. But for *servientes*; the Rolls of the *vadia militum* in the Tower, and the account Books of the Wardrobe have them frequently distinguished from *Scutiferi* or *Armigeri*. Yet in our year books, in the time of *Edward* the third, the name of *Serjeant* (the same with *Serviens*) is used for the next

d *Hist. Eccles. lib. 4. pag. 507.*

e *Pag. 312. Ed. Lond.*

f *Pag. 393, & 396.*

g *Pag. 115.*

h *Tract. de Essoniis cap. 10. §. 2.*

i *Bracton lib. 3 de Corona fol. 116. b.*

k *Ms. apud* Moretonum Lambard *Eq. Aurat.*

to

to Knight alſo. As where the Court gives direction to the four Knights to chuſe the grand Aſſiſe in a Writ of Right, *ne eſlies* (ſay [l] they) *nul Serjeant tant come vous poies avez Chevaliers convenient.* And in another caſe where the four Knights ſaid they could not find ſo many Knights in the County as might with themſelves make up the grand Aſſiſe, by aſſent of the parties they were directed *d'eſlier* (ſays the [m] Book) *les meulx, valiaunts* Serjeaunts; and accordingly they did ſo. With theſe, other of that time [n] agree for the name of *Serjeaunt* or *Serviens* in this ſence, which about that age grew out of uſe. But under *Richard* the ſecond, we find the name of Eſquire expreſly given as a created and honorary Title by Patent. One *John de Kingſtone* was ſo by this Patent [o] received into the ſtate of a Gentleman, and made an Eſquire by King *Richard* the ſecond.

England.
[l] 22 *Ed.* 3. *fol.* 18. *a.*
[m] 26 *Ed.* 3. *fol.* 57. *a.*
[n] 39 *Ed.* 3 *fol.* 2. & videſis *Br. tit. Droit.* 18.
[o] 1. *Part. Pat.* 13 *Rich.* 2. *membr.* 37.

LE Roy a tous ceux as queux ceſtes lettres viendront, ſalute. Saches, que Come un Chivaler Franceys, *a ceo que nous ſoumus enformez, ad chalenge un noſtre liege* Jehan *de* Kingſton *a faire certains faits & points d' Armes, oveſque le dit Chivaler; Nous a fin que le dit noſtre liege ſoit le mieulx honorablement reſceives & faire puiſſe et performir les dits faits et points d' Armes, luy avons reſceives et a faire puiſſer et performir les dits faits et points d' Armes, luy avons reſceivez en l'eſtate de* Gentilehome *et luy fait* Eſquier. *Et volons que il ſoit conus per armes et porte deſorenavant* D' Argent ove un Chaperon d' Azure oveſque un Plume d' Oſtriche de gules; *Et ceo a touz yceux as queux appartient, nous notiſons per ycelles. En teſtimonieance de quelle choſe, nous avons fait faire ceſtes nos Lettres Patents; donez ſouz noſtre grant ſeale a noſtre Paleys de* Weſtminſter, *le primer jour de Juyl.*

Par briefe de Privy Seal.

And it might be reaſonably conceived that the Title of Eſquire was then only ſuch as was either thus created or otherwiſe acquired by ſervice or imployment. For elſe what could that mean which *Thirning* relates in 7 *Hen.* 4. *fol.* 8, that a Lord at the Font (as is before alſo remembred) Knighted his ſon, ſaying, *be a good Knight, for you ſhall never be a good Eſquire*, as if that not only the Knighting him prevented his being an Eſquire afterward (the greater Title drowning the leſs) but alſo that he was no Eſquire before Knighting of him. We may juſtly remember here amongſt theſe occurring teſtimonies of the Title of Eſquire, that of *Chaucer* in his Character of one. After the deſcription of his Knight (whom as the reſt he deſcribes with ſuch particulars as beſt deſign the nature of him) he ſays that

With him there was his ſonne a yong Squire
A lover and a luſtie Bachilere,

England.

With his locks crull as they were laid in preſſe
Of twenty yeare of age he was as I gueſſe.
And he had be ſometime in Chivauchie
In Flaunders, in Artois, in Picardie,
And born him well, as of ſo little ſpace,
In hope to ſtand in his Ladies grace.
Curteis he was, lowly, and ſervicеable;
And kerft before his Father at the table.

Here both his practice of Arms and his attendance on his Father being a Knight are noted. His attendance being as that of thoſe παῖδες ὁπλοφορεῦντες or *ſhield-bearers*, or Eſquires that waited on the old *Gaules* at their round Tables, whereof *Poſſidonius* ſpeaks in [p] *Athenæus*. And for the neceſſary attendance of an Eſquire upon every Knight in the elder ages long before *Chaucer*; obſerve this of Sir *Francis Tias* his recovering five pound damages under *Edward* the firſt in *Wakefield* Court in York-ſhire againſt one *German Mercer*, for arreſting the horſe of one *William Lepton* that was his Eſquire, and ſo making him to be unattended. Franco Tyas *miles* (ſo [q] are the words of the Court Roll) *tulit actionem verſus* Germanum Mercer *qui arreſtavit equum* Willielmi Lepton Armigeri *ſui ad dedecus & damnum prædicti* Franci, *quia fuit ſine Armigero. Et prædictus* Franco *recuperavit* C *ſolidos. Ideo* Germanus Mercer *in his miſericordia. Chaucer* alſo in his Merchant's tale;

p *Dipnoſoph. lib.* 4.

q Rot. *Cur.* Wakefeild *in Comit. Ebor.* It was noted to me thence by the courteſie of M. *Roger Doddeſworth* a Gentleman of thoſe parts.

All but a Squire that hight Damian
Which carft before the Knight many a day.

The like is elſewhere alſo in him. The Attendance likewiſe of two Eſquires on every Knight at his receiving the Order of the Bath at this day from the elder times, is obſervable. And they are ſomewhat proportionable to thoſe ὀπάονες or Miniſters or Eſquires that, together with the third Horſeman on whom they attended, made the *Trimarciſia* among the *Gaules*, which [r] *Pauſanias* mentions. And the name of Eſquire with a poſſeſſive relation to Knights and others above them, is often uſed in the elder times as it is at this day when we ſpeak of Squires of the body. Under *Edward* the third, the Lady *Elizabeth* Counteſs Dowager of *Kent*, vowed her ſelf a Nunn, and afterward ſecretly married Sir *Euſtace de Abridgcourt* at *Wingham* in the Dioceſs of *Canterbury*. The Archbiſhop therefore cites her by one *John Litton* his Clerk, *quem Clericum* (ſaith the [s] Regiſter of Archbiſhop *Iſlip*, in whoſe time it was) *quidam* Johannes *de* Topclive Scutifer *dicti militis apud* Roffam, *propter Citationem hujuſmodi in Brachio uſque ad ſanguinis effuſionem graviter vulneravit.* So about the ſame time Sir *Walter Manny* deviſes, *a Simpkin Chamberlein mon Eſquire*, ten Marks; as the words of the [t] Will are. But note alſo the uſe of the Title of *Eſquires* and *Gentlemen*, as if there had been no difference in the dignities in the old Statutes of Apparrel of *Edward* the [u] third's time. Imployment perhaps, and being without imployment or ſervice, diſtinguiſhed them. In *Richard* the ſecond's time alſo *William* Earl of *Salisbury* deviſes [x] to four *des mes Eſquiers, ceſtaſtavoir*, William Greene, Rawlin Buſhe, William Kildrington & Thomas Warin, *a cheſcun d'eux* XL s. *Item Je deviſe a* III *autres* des mes Eſquiers, *Ceſtaſtavoir* Jankin Lawrence, Robert Cammel & Walter Marſhal, *a cheſcun de eux* V *marks*. Divers more ſuch

r *In Phocicis*; *lib.* 10.

s *In Archiv. Cant. pag.* 166. *b. Ms. circa* 34 *Ed.* 3.

t Reg*iſt. Ms. Archiep. Cant.* Witleſey *fol.* 120. 42 *Ed.* 3. u 37 *Ed.* 3. *cap.* 10, 11, & 13.

x Reg*iſt. Ms. Archiep. Cant.* Arundel. *part.* 1. *fol.* 159. 20 R. 2.

ſuch occurr in the Wills of antient times. Under *Henry* the fourth, in our year books, [y] the Plaintiff had been intertained by Indentures, to be the Defendant's Eſquire in time of peace. And *Walſingham* ſays of the ſame King's time; *Suſpenſus eſt eo tempore* (in MCCCCI) *Miles* Rogerus Clarendon (*filius ut dicebatur notlus quondã nobilis Principis* Edwardi *filii Regis* Edwardi *tertii à conqueſtu*) *& cum eo ſuus Armiger & Valettus.* And it ſeems plain, that by this time, the title was fixed on ſome, without any reference to the Wars, but only by ſervice on great perſons. For the witneſſes examined in that great caſe between the Lord *Gray* of *Ruthin* and the Lord *Haſtings* under the ſame King, one *John Lee* of *Buckinghamſhire* is titled *Eſquire* (as many more are) and it is ſaid of him, as from his own mouth, that he [z] was a Gentleman by birth, and had land of twenty marks yearly by deſcent, *& n'ad uſe point de travailer en guerre ne ſon pier devant luy & pour ſe ne priſt gard d'aprendre ſes armes*: For he ſhould have anſwered to the queſtion whether he were a Gentleman and had arms or no. And in truth this *John Lee* was retain'd to that Lord *Ruthin* as a Surveyor of his [a] lands for a time, and beſides of perpetual fee with him for other ſervices whence it ſeems he was called Eſquire. And for ſome like cauſe, perhaps all the reſt or the moſt that in thoſe examinations have that title (for many there have it) were ſtiled ſo. The Lord *Roos* alſo under *Henry* the fifth, deviſes by his Will, that his Feoffees ſhould make an eſtate [b] *Thomæ Gower Armigero meo.* And about that time it was (as it hath been ſince) very common to uſe the Addition of *Eſquire* abſolutely alſo, either in the firſt or third perſon, as you may ſee both in the Pleas of that time, and in the Wills then made of which divers are in the firſt part of the Regiſter of *Chicheley* Archbiſhop of *Canterbury.* And in the Officers of the houſhold and elſewherre, divers times *Milites, Armigeri, Valletti*, and *Garciones* occurr, one immediately after the other. See alſo the Statutes of Apparel under *Edward* the [c] fourth.

England.

y 13 *Hen.* 4. *tit. entry conge-able* 5ª.

z Ms *inter Inſtrumenta Nobiliſſimi H.* Comitis Kantiæ *ad art.* 36, & 37. *fol* 34.

a *Ibid. pag.* 33. *ad art.* 15. & 17

b *Regiſt. Ms. Arch.* Chicheley *part.* 1. *fol.* 272. *a.*

c 3 *Ed.* 4 *cap.* 5 & 22 *Ed.* 4. *cap.* 1.

But in the antient Creation of the dignity (when ſuch as otherwiſe had it not, were created into it) it is [d] noted that a collar of S S. was given by the King as an Enſign of it received. It ſeems that paſſage in *Walſingham* hath relation to theſe Collars where he ſpeaks of the Earl of *Kent*'s coming to *Sunnings*, in the beginning of *Henry* IV, to perſwade the Queen (wife to *Richard* the ſecond) who lay there, that King *Richard* was at liberty, and had a thouſand of his party at *Pomfreit. Ut autem* (ſays [e] he) *fidem faceret dictis, detraxit Signa Regis, ſcilicet* Collaria *de collis quorundam quos vidit ibi habentes ſigna talia, dicens non eſſe geſtandum de cætero tale ſignum.* And Juſtice [f] *Norton*, under *Henry* the ſixth; *If a Writ of Debt be brought againſt the Serjeant of the Kitchin in the King's houſe, I may name him Cook, and my Writ is good enough; And yet he hath a* Collar *and is a Gentleman.* Here he uſes the word Gentleman applying it to thoſe that were ſo made Eſquires by the King's favour, becauſe alſo they were by their Creation put in the rank of the moſt eminent ſort of Gentlemen on whom the Title of Eſquire hath ſince been ſo fixed. In an old Dialogue *de Miſeriis Terræ Anglicanæ* [g] perſonated as between the Kingdom of *England* (under the name of a Queen) and her three ſons, the Nobility, the Clergy, and the Commons, of the time of *Henry* the ſixth, Noon was wont (ſaith the author in the name of the Clergy) to be called a Squyere, but yf hee hadde be founde in dede of Soberaigne prowesse. Ne noon was wont

d *Camd. in Ordinibus pag.* 127. *Et de collari ſigmatico, vide eum in Reliquiis pag.* 231

e *Anno* 1400.

f 14 *Hen.* 6. *fol.* 15.

g *Tetralogus de Miſeriis Terræ Anglicanæ* Ms. *apud* Moretonum Lambard, Equitem Auratum.

England. wont to be called to the wages of a man of Armes, if hee had not honestly taken a prisoner with his own hands. And now to kunne gyde him with a Swerde and to were a Haburgeon, it suffiseth to make a new Capitain. But the Dialogue is a plain imitation, almost a very translation, of *Le Quadrilogue* of *Magistre Alan Chartier* Secretary to *Charles* the seventh of *France*. And is fitted to *England*, as that of *Chartier*'s is to *France*. And those very words before cited, as the most of the rest in it, are translated *verbatim* out of the speech of the Clergy in *Chartier*'s Dialogue which was printed, with other little works of his, at *Paris* about a hundred years since. Nor is that old Pamphlet of the Tanner of *Tamworth* and King *Edward* the Fourth, so contemptible but that we may thence note also an observable passage wherein the use of making Esquires by giving Collars is expressed.

A Coller, a Coller, our King gan cry;
Quoth the Tanner it will breed sorrow;
For after a Coller commeth a Halter
I trow I shall be hang'd to morrow.
Be not afraid, Tanner, said our King
I tell thee so mought I thee,
Lo here I make thee the best Esquire
That is in the North Countrie.

A special example of this kind of Collar we have on that Statue of *John Gower*, famous for his poesie in the time of *Richard* the Second; which is in Saint *Mary Overies* Church in *Southwark*. I know some deliver it to be an Ensign of Knighthood on him, as *Bale* in that passage before cited [h] out of him touching *Gower* to another purpose, and *Pisæus* [i] also. But they are deceived. *Gower* was no Knight but an Esquire only. The Epitaph there joyn'd to the Statue shews it.

h *Cap.*1.§.43.
i *Ætat.*15. *Script.*731.& Videsis Stowin *Notit. Londini pag.*411.

Armigeri lutum nihil à modo fert sibi tutum, &c.

Yet also this kind of Collar was heretofore a wearing of Knights likewise as we see in the Statutes [k] of Apparrel. And of this Title, as it was antiently used or acquired, thus much.

k 24 *Hen.*8. *cap.*13.

Now as in those elder times of military action, such Gentlemen as were imployed in service receiving their dignity, either at home or abroad, were frequently, it seems, for distinction from the rest, and as by a note of honor, called Esquires (into which Title also some were created) so at length, especially in the times of peace, when military service could make but little distinction, they that by birth or other eminency were commonly thought worthy of some note of distinction above the ordinary rank of Gentlemen, have had the same title given unto them.

CHAP.

Ireland.

CHAP. VI.

I. *Titles of Honor in* Ireland. *Of* Earls *both* Palatin *and others there.*
II. *Of* Vicounts *and* Barons *in* Ireland.
III. *Of other dignities there, and the antient form of Knighting uſed by the* Iriſh *Kings.*

IRELAND, which, though it be a Kingdom it ſelf, is yet ſubordinate to the Crown of *England*, hath almoſt the ſame Titles of Honor that are in *England* founded upon the ſame original courſe of Creation.

I. But the Titles of Duke and Marqueſs they have not; nor ever were either of thoſe names under the Engliſh Kings in uſe with relation to *Ireland*, ſaving in thoſe examples of the Title of Marqueſs of *Dublin*, and Duke of *Ireland* * in *Robert* Earl of *Oxford* under *Richard* the ſecond. And in him they began and ended. Before the time of *Henry* the ſecond (ſince which the Kings of *England* have been Lords and Kings of that Iſland) we find indeed the title of *Duces* there; as in that Councel of *Mell* where the four Archbiſhoprieks were firſt conſtituted in MCLII. *Interfuerunt* (ſaith the [a] ſtory) *Epiſcopi, Abbates, Reges, Duces, & Majores natu omnes* Hiberniæ, *quorum conſenſu* (the Popes Legat was preſent alſo) *Archiepiſcopatus conſtituti ſunt quatuor, Armachanus, Dublinenſis, Caſtilienſis, Toamenſis.* But *Duces* denoted here generally the chief Princes of the Country that had not the title of Kings, as *Majores natu*, the chief of *Septs* according to their old Law of *Taniſtry*; not any diſtinct dignity as at this day with us. But indeed Pope *Gregory* the [b] thirteenth (if it be worth the memory) took upon him to give the title of Marqueſs of *Lemſter*, Earl of *Wesford* and *Caterlogh*, Vicount *Morough*, Baron of *Roſs*, and *Idron* to that famous *Steukely* that loſt his life by the way in *Barbary*, while he was coming to poſſeſs the Territories that ſo vainly denominated him. And for the title of Kings there under our Kings of *England*, enough is already [c] ſaid. But *Earls, Vicounts, Barons, Baronets, Knights Bachilers*, and *Eſquires* are in that Kingdom, as with us.

The title of local Earls, Palatin aſwel as of other Earls occurrs in the Records of that Kingdom. *George* Earl of *Shrewsbury* and his anceſtors that had been Earls of *Shrewebury*, till the Statute of *Abſentees* [d] made in the eighth and twentieth of *Henry* the eighth, were *Comites Palatin Comitatus Wexford* [e] or Earls Palatin of *Weiſhford*. Divers others alſo that had Regal Juriſdiction (as the Palatins in *England*) in their Territories enjoy'd that name, and their Territories by the name of Counties Palatin, as *Ulſter*, [f] *Tiperaray*, and ſome more. Touching theſe, ſee the caſe of that County Palatin of *Wexford* publiſhed by Sir *John Davies*. But I do not believe that any man was ever created into the title of Count Palatin there, or his County expreſly made a County Palatin by Patent; but as in other Countries (whereof before) ſo here, the enjoying the title of Earl (and ſometimes of Lord) together with a Territory annext to that title, wherein all Royal juriſdiction might be exerciſed, was the original whence in ſpeech and writing the titles

* See before *lib.* 1. *pag.* 38.

a *Ms. penes* Reverendiſſ. *Jacob. Archiepiſcopum Armachanum. & videſis Camden. Brit. pag.* 765. *ubi male* MCXLII *pro* MCLII.

b *Camd. Brit. pag.* 752.

c *Part.* 1. *cap.* 3. §. 1.

d *Stat. Hib.* 28 *Hen* 8. *cap.* 23.

Johannes e nim, qui primus ex Talbotorum familia Comes erat Salopiæ, Comes *etiam* Wexford *dicitur Cart.* 24 *H.* 6. *part.* 2. *m.* 1. *& Camden. Brit pag.* 740.

e *Inquiſ.* 27 *H.* 8 *in* Sir *I. Davies* his Reports *fol.* 58 *b.*

f *Videſis I. Davies in Commentar. Hib. pag.* 61. *Camd. Brit. pag.* 743.

Ireland. titles of Earl Palatin or County Palatin grew, touching the reaſon whereof, enough in the Palatins of the Empire, of *France* and *England*. For other Earls (being not Palatine) the antienteſt forms of Creation that I have ſeen is this[g] of *Edward* the Second his creating *John* the ſon of *Thomas* of *Ireland* (or *Thomas Fitz Gerald*) Earl of *Kildare*.

g *Rot. Cart. 9 Ed. 2. n. 12*

EDwardus *Dei gratia Rex* Angliæ *Dominus* Hiberniæ *& Dux* Aquitaniæ, *Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Juſtitiariis, Vicecomitibus, Præpoſitis, Miniſtris & omnibus Ballivis & fidelibus ſuis ſalutem. Sciatis quod nos pro bono & laudabili ſervitio quod dilectus & fidelis noſter* Johannes *filius* Thomæ de Hibernia, *celebris memoriæ Domino* Edwardo *quondam Regi* Angliæ *patri noſtro & nobis hactenus impendit & nobis impendet in futurum, dediſſe, conceſſiſſe & hac Charta noſtra confirmaſſe eidem* Johanni *Caſtrum & Villam de* Kildare *ipſumque præfeciſſe* in Comitem *ejuſdem loci, Habendum & tenendum eidem* Johanni *et hæredibus ſuis maſculis de corpore ſuo legitimè procreatis una cum feodis militum, advocationibus Eccleſiarum, Abbatiarum, Prioratuum, Hoſpitalium et aliarum domorum religioſarum in Comitatu de* Kildare, *homagiis, ſerviciis libere tenentium, firmariorum et betagiorum, wardis, maritagiis, releviis, eſcaetis, molendinis, ſtagnis, vivariis, aquis, ripariis, piſcariis, boſcis, moris, mariſcis, pratis, paſcuis, paſturis, libertatibus, liberis conſuetudinibus, et omnibus aliis ad prædicta Caſtrum, et Villam pertinentibus quoquo modo, excepto* * *officio Vicecomitis Comitatus de* Kildare *et his quæ ad officium Vicecomitis ibidem pertinent quæ nobis et hæredibus noſtris volumus remanere, de nobis et hæredibus noſtris per ſervicium duorum feodorum militum imperpetuum. Et ſi idem* Johannes *obierit ſine hærede maſculo de corpore ſuo legitime procreato, tunc prædicta Caſtrum et Villa cum terris, redditibus, feodis Militum, advocationibus Eccleſiarum, Abbatiarum, Prioratuum, Hoſpitalium, et aliarum domorum religioſarum, homagiis, ſerviciis libere tenentium, firmariorum, betagiorum, wardis, maritagiis, releviis, Eſcaetis, molendis, ſtagnis, vivariis, aquis, ripariis, piſcariis, boſcis, moris, mariſcis, pratis, paſcuis, paſturis, libertatibus, et liberis conſuetudinibus, et omnibus aliis, ad prædicta Caſtrum et Villam pertinentibus, ad nos et hæredes noſtros integre revertantur. Quare volumus et firmiter præcipimus, pro nobis et hæredibus noſtris quod prædictus* Johannes *habeat et teneat, ſibi et hæredibus ſuis maſculis de corpore ſuo legitime procreatis prædicta Caſtrum et Villam cum terris, redditi-*

* This with other liberties is granted to him, *in Cart. 11 Ed. 2. membr. 15. part 1. num. 79.*

bus,

bus, & aliis pertinentiis ſuis ſub honore & nomine Comitis de Kildare *ſimul cum feodis militum, advocationibus Eccleſiarum, Abbatiarum, Prioratuum, Hoſpitalium, & aliarum Domorum Religioſarum, homagiis, ſerviciis libere tenentium, firmariorum, betagiorum, wardis, maritagiis, releviis, eſcaetis, molendinis, ſtagnis, vivariis, aquis, ripariis, piſcariis, boſcis, moris, mariſcis, pratis, paſcuis, paſturis, libertatibus, liberis conſuetudinibus & omnibus aliis ad prædicta Caſtrum & Villam pertinentibus quoquo modo, excepto officio Vicecomitis, Comitatus de* Kildare *& hiis quæ ad officium Vicecomitis ibidem pertinent, quæ nobis & hæredibus noſtris volumus remanere, de nobis & hæredibus noſtris* per ſervitium duorum feodorum militum *imperpetuum. Et ſi idem* Johannes *obierit ſine hærede maſculo de corpore ſuo legitime procreato, tunc prædicta Caſtrum & Villa cum terris & redditibus, feodis militum, advocationibus Eccleſiarum, Abbatiarum, Prioratuum, Hoſpitalium, & aliarum Domorum Religioſarum, homagiis, ſerviciis libere tenentium, firmariorum, betagiorum, wardis, maritagiis, releviis, eſcaetis, molendinis, ſtagnis, vinariis, aquis, ripariis, piſcariis, boſcis, moris, mariſcis, pratis, paſcuis, paſturis, libertatibus, liberis conſuetudinibus & omnibus aliis ad prædictum Caſtrum & Villam pertinentibus, ad nos & hæredes noſtros integre revertantur, ſicut prædictum eſt. Hiis teſtibus venerabilibus patribus* W. Cantuar. *Archiepiſcopo totius* Angliæ *Primate.* I. Norwicenſi & W. Exione *Epiſcopis*, Johanne de Britannia *Comite* Richmond, Hugone le Deſpenſer *ſeniore*, Rogero de Mortuo Mari *de* Wigmore, Hugone le Deſpenſer *Juniore*, Rogero *de* Mortuo Mari *de* Chirk, Johanne de Crumbwel *Seneſcallo Hoſpitii noſtri & aliis. Datum per manum noſtram* XIV *die* Maii. *Ireland.*

Per ipſum Regem.

And a year or two after[h] in a Patent dated to *John de Bermingeham* Earl of *Loveth* of the Mannor of *Atherd* in that County, there is this recital of a creation of him into that Title in the Parlament that ſate at *York*; *Sciatis quod cum nos pro bono & laudabili ſervicio quod dilectus & fidelis noſter* Johannes de Bermingeham *nobis nuper in partibus* Hiberniæ *impendit &c. dederimus, conceſſerimus, & carta noſtra confirmaverimus præfato* Johanni, viginti libras *annui redditus de exitibus Comitatus noſtri de* Loveth, *in terra prædicta*, ſub nomine & Honore Comitis de Loveth, *ipſumque* Johannem *in Comitem de* Loveth *præfecerimus, Habendum, percipiendum & tenendum eidem* Johanni *& hæredibus ſuis maſculis de corpore ſuo legitime procreatis, de nobis & hæredi-*

[h] *Cant.* 12 *Ed.* 2. *num.* 11. *m.* 5.

bus

Ireland. *bus noſtris per ſervitium* quartæ partis feodi unius Militis *imperpetuum &c.* And then for the better ſupport of the honor, that Mannor of *Athcrd* is given him likewiſe to hold by the ſervice of one Knights fee, and of three parts of one Knights fee.

The Patents of Creation in the following times which I ſee in the Rolls of *England* (being all ſuch as paſſed the great Seale of *England*) agree for the moſt part with the Engliſh form. And *in terra noſtra* Hiberniæ, *de Domino*, or *Regno* Hiberniæ, added to the denominating place, the ſeat in Parlaments, and what other parts require the like, makes the main diſtinction. *Henry* the eighth, created *Thomas* Vicount *Rochford* by the ſelf-ſame Patent Earl of *Wiltſhire infra*[i] *Regnum noſtrum* Angliæ, and Earl of *Ormond in terra & Dominio noſtro* Hiberniæ, with ſeveral clauſes of Inveſtiture, ſeveral *Habendums*, and ſeveral Creation-monies for each Title.

[i] *Pat.* 21 *Hen.* 8. *part.* 2. 8 *Decemb.*

II. As Earls, ſo Barons, and afterward Vicounts came to be created in this Kingdom, as in *England*; and by like forms of Patents, and under either great Seal, and ſometimes under both. But diſtinguiſhed from the *Engliſh*, by *in terra* or *Regno ac Dominio noſtro Hiberniæ*, or the like in due places of the Patents. We ſpeak not of Barons by Writ or Tenure there more than that it ſeems they had the ſame kind of original and being, as is ſhewed for ſuch Barons, in thoſe of *England*. The like notion of Baron alſo as we have had in *England* by reaſon of our Counties Palatin, they have in *Ireland* likewiſe; and it remains in divers that are there yet called Barons, [k] though they be not honorary or of the Parlament. But I have a form of *Edward* the [l] fourth's creation of the Baron of *Rathtauth* that much differs from our ordinary Engliſh form. For the good ſervice that *Robert Bold* Eſquire had done both to his Father the Duke of *York* and to himſelf in both Kingdoms and elſewhere in his warrs, *Attendenteſque* (ſaith he) *quod Decus Principum conſiſtit multitudine ſubditorum & eo magis regale attollatur ſolium & terræ regimen roboratur quo magis plures ſibi ſubſtituit Nobiles, de gratia noſtra ſpeciali de aſſenſu Chariſſimi Conſanguinei noſtri* Johannis *Comitis* Wigorniæ *deputati chariſſimi fratris noſtri* Georgii *Ducis* Clarentiæ *locum noſtrum tenentis terræ noſtræ* Hiberniæ, *ordinavimus, fecimus, & conſtituimus dictum* Robertum *unum Dominum & Baronem omnium & ſingulorum Parlamentorum & magnorum Conſiliorum noſtrorum in terra noſtra prædicta tenendorum, Habendum & tenendum una cum ſtilo, titulo, nomine, honore, loco & ſeſſione inde ſibi & hæredibus ſuis maſculis imperpetuum prout decet. Conſiderationem etiam habentes qualiter* Philippus Dominer *Armiger habens ex conceſſione noſtra viginti marcas habendum & percipiendum annuatim de exitibus & proficuis Manerii & dominii de* Rathtouth, *ſicut per literas noſtras Patentes eidem* Philippo *inde confectas latius expreſſatur, quas quidem literas idem* Philippus *in Cancellariam noſtram* Hiberniæ *reddidit cancellandas, & ut exaltationem nominis ſequatur augmentatio facultatum, cum ſemper honoribus onera ſunt annexa, dedimus & conceſſimus præfato* Roberto *manerium ſive Dominium de* Rathtouth *prædicta una cum ſtylo, titulo, nomine & honore Domini & Baroniæ de* Rathtouth, *necnon redditus, exitus, &c. Habendum &c.* the Mannor *una cum ſtilo, titulo &c.* to him and the heirs males of his body begotten. *In cujus &c. Teſte præfato deputato apud* Drogheda XIII *die Auguſti anno regni noſtri octavo.* I had this with ſome others tranſcribed out of the Chancery of *Ireland*

[k] Sir *I Davies* Reports *fol.* 65. [l] *Rot. Pat.* 8 *Ed.* 4. *in Cancel. Hiberniæ.*

by

by the favour of Mr. *James Ware* a learned Gentleman, and a ſingular honor to his Country. We adde here only that Parlament Robes belonging to theſe Parlamentary Titles were from antient time of like form with thoſe of the Lords of Parlament in *England* reſpectively; Which yet from ſome part of the later years of *Edward* the fourth, till about the middle of *Henry* the ſeventh they had not uſed, whereupon it was enacted that [m] *every Lord as well Spiritual as Temporal ſhould appear to every Parlament that ſhould be holden within the ſaid land, in like manner and form as the Lords of the ſaid Realm of* England *do appear to the Parlament holden within the ſaid Realm* upon pain of forfeiture of five pounds for every default. *Ireland.*

m 10 *Hen.*7. *ſtat.Hib.cap.* 16.

III. Baronets have lately alſo, ſince the inſtitution of them in *England*, been made there, in like form to that of *England*. And for Knights which are alſo as with us; the Lord Deputy uſually hath the power of making Knights (Knights Bachilers; or *Milites* as they are generally called) by his Commiſſion. And the Title of Eſquire is there as with us. But an antient cuſtom of Knighthood among the *Iriſh* before they received the manners of the *Engliſh* civility is here obſervable; which we have in the ſtory of four Kings of ſeveral Provinces in *Ireland* that ſubmitted themſelves to *Richard* the ſecond, and though they were before Knighted according to their own cuſtoms, yet received the order of him again after the *Engliſh* ſolemnity. Theſe Kings were under the eſpecial care of one *Henry Caſtile* an *Engliſh* Gentleman that ſpake *Iriſh* well, and was commanded by King *Richard* to inform them of the *Engliſh* manners in diet, apparrel and the like, and in particular to prepare them for the receiving the order of Knighthood. To that purpoſe, he ask'd them if they were willing to receive the order which the King of *England* would give them according to the cuſtom of *England* and *France* and of other Countries. They anſwered that they were Knights already, and that the order they had taken was enough for them, that they had been Knights when they were ſeven years old in *Ireland*, and that every King makes his ſon Knight, and that if the father live not, then the next of kin doth it, *le plus prochain du ſang de ſon lignage le fait*, as the words are in *Froiſſart*, [n] where this is related. That the young Knight at his making runs with ſlender lances (ſuch as he can eaſily wield) againſt a Shield ſet up on a ſtake in the middle of a meadow; and that the more lances he thus breaks, the more honor continues with his dignity. And this they ſaid was the form of making young Knights in their Country, eſpecially when the ſons of Kings were Knighted. But the Engliſh Gentleman told them that this young kind of Knighthood was not enough with the King of *England*, and that from him they ſhould receive it with more ſtate and in the Church. Which they, afterward, being perſwaded and inſtructed eſpecially by the Earl of *Ormund*, received from the hand of King *Richard* in the Church at *Divelin*, with much ſolemnity after their vigils performed in the ſame Church, and a maſs heard. And ſome others were thus Knighted with them. But the four Kings in Robes agreeable to their ſtate, ſate that day with King *Richard* at the table. This was when King *Richard* was firſt in *Ireland*. And the vigils were on Wedneſday night, & the day of the ſolemnity on Thurdſday the five and twentieth of *March* as *Froiſſart*[o] ſaies. That was the beginning of the year MCCCXCV, according to the *Engliſh* account. But how that ſtands with King *Ri-*

n *Vol.*4. *chap.* 63.

o *Chronic.hiſt. Holinſh pag.* 73.

Scotland chard's returning about Shrovetide before (for then ſome of our common ſtories bring him home again) I underſtand not.

CHAP. VII.

I. Prince *of Scotland*; Duke, Marqueſs, *and* Vicount *or* Procomes *there*. *And the* Inveſtitures *or ſolemn* Creations *of a* Duke, Marqueſs; *or* Viſcount.

II. *Of the Title of* Earl *and* Baron *there, and of* Thanes. *The Inveſtiture of* Earls *and* Barons.

III. *The ſolemn* Creation *of* Knights *in* Scotland.

IN *Scotland*, the chief ſubordinate Titles are *Prince*, *Duke*, *Marqueſs*, *Earl*, *Vicount*, *Baron* of Parlament and *Knight*.

I. The Prince and heir apparant there, they ſtile the *Prince of Scotland*, and the reſt of the King's Chĩldren they call alſo Princes, as in other Nations. The Prince of *Scotland* is, as Prince, Duke of *Rothſay*, and high Steward of *Scotland*. And this Duchy of *Rothſay* was alſo the firſt Duchy there. For however ſome tell us that the Title of Duke was as antient in *Scotland*, as the time of *Malcolme Mackenneth* who raigned about MXX, and made ſome diſtinction of dignities there (that diſtinction others attribute to *Malcolme* the third, King there about fifty years after) yet neither in their Laws nor otherwiſe occurrs it as a diſtinguiſhed Title from Earl, until the time of King* *Robert* the third, who created his eldeſt ſon Prince *David*, Duke of *Rothſay*, in MCCCXCVIII, or thereabout. Other were ſoon made of the ſame dignity. And in the body of a Parlament of about two[a] years following held at *Scone*, *Duces* are reckoned and there firſt occurr as diſtinguiſhed from Earls in that State. *Vocatis more ſolito Epiſcopis* (ſo are the words) *Prioribus*, Ducibus, *Comitibus*, *Baronibus*, *liberè tenentibus & Burgenſibus qui de Domino noſtro Rege tenent in capite.*

* *Camden. in Scot. pag. 684. & 615.*

[a] *Parl. 11 Robert. 3. in Epigraph.*

The Inveſtiture or Creation of a Duke there (when the Creation is with Ceremony) is done by the King's putting on the Belt and Sword, the Cap and the Coronet, giving him a golden verge, and then the Charter Patent of Creation. The Coronet is *Fleury*, or a Circle raiſed into many leaves like unto Strawberry leaves, as it is deſcribed in the forms of Creations of the dignities there, which the noble courteſie of the Right Honorable Sir *George Hay* Lord Chancellour of *Scotland*, through the hands of my worthy friend the learned and honored Sir *Robert Aiton* Knight, Secretary to the Queens moſt excellent Majeſty, communicated unto me. And from thoſe forms I moſt thankfully acknowledge the receipt of all that I have here for matter of Inveſtiture or enſigns of the Creation of the preſent or later times of *Scotland*. The Ducal Robes alſo are put on with Ceremony before he that is to be created be brought to the King, & he taketh, beſides the Oath of Alleageance, another oath alſo proper for ſuch as are to be created; which is to defend true Religion in that Kingdom, and juſtly to counſel the King, and is miniſtred to him by their *Lion* King at Arms. Standards

alſo

alſo and Penſils are carried (but folded up) before the Duke as he comes to the Creation, and diſplayed as ſoon as he is created. And all this is done with the aſſiſtance of the Lords in their Robes of State and Coronets and ſuch more circumſtances of honor, which are almoſt proportionably the ſame in Creation of all their greater dignities. *Scotland*

The Title of Marqueſs began there under King *James* the ſixth. The firſt Marqueſs was [b] *John* ſon to *James* Duke of *Chaſteau Herald* and Earl of *Arran*, created by him into the Title of Marqueſs of *Hamilton*. The Enſigns and circumſtances of Inveſtiture of a Marqueſs are almoſt as thoſe of an Earl here anon ſhewed; only his Coronet hath the flowers higher than the points, the flowers being made like Strawberry leaves.

King *James* the ſixth alſo created the firſt *Vicount*; for although the Officiary name of *Vicecomes* for Sheriffs were there, as in *England* alſo very antient and frequently hereditary; yet *Vicecomes* or *Viſcount* was never honorary until he created *Thomas* Lord [c] *Friskin*, Vicount of *Felton*. They uſe, at leaſt ſometimes, for this Title (after the Analogy of the Latins in their *Proprætor* and *Proconſul*, and as the Polite Lawyers of *France* do often for their Viſcount) the word *Procomes* which I ſaw under the *Scottiſh* Seal in Letters of Procuration or a Commiſſion under the great Seal of *Scotland* by King *James* the ſixth, [d] to *John* Earl of *Mountroſe* and, in his abſence, or if he were ſick, to *Alexander* Earl of *Dunfermilin*, for the Creation of Sir *John Ramſey* (late Earl of *Holderneſs*) into the Title of Lord *Ramſey* of *Barnes* and Vicount of *Hadington*. *Damus & concedimus* (ſo were the words after an apt preamble) *noſtram plenariam poteſtatem, procurationem ſeu commiſſionem chariſſimo noſtro Conſanguineo & Conſiliario* Johanni Montis Roſarum Comiti, *Domino* Grahame & Mukdok, *noſtro primario procuratori ſeu Commiſſionario in regno noſtro* Scotiæ, *eóque ægroto ſive abſente, prædilecto noſtro Conſanguineo & Conſiliario* Alexandro Fermeloduni Comiti *Domino* Finiæ, & Urguhart *dicti regni noſtri* Scotiæ *Cancellario, creandi, faciendi & inaugurandi eundem Dominum* Johannem, Dominum Ramſey de Barnis *ac* Procomitem de Hadington, *dantes & concedentes ſibi ſuffragium & locum in omnibus ordinum regni noſtri* Scotiæ *comitiis publicis ſeu Parlamentis generalibus & publicis Conſiliis & Conventibus dignitati & ordini ſuo correſpondentem & congruum, cum omnibus honoribus, dignitatibus & privilegiis Conſimili qualitati incumbentibus. Eandemque hanc dignitatem & honoris titulum cum dicto Domino* Johanne Ramſey *ſuiſque hæredibus maſculis de ſe legitimè deſcendentibus omni tempore à futuro permanere volumus. In cujus rei teſtimonium præſentibus hiſce noſtris literis magnum ſigillum noſtrum apponi præcepimus. Datum apud Palatium noſtrum Albæ Aulæ* VIII *die Menſis Aprilis Anno Domini* MDCVI & *regni noſtri annis* XXXIX & IV.

[b] *Idem ibid. pag.* 688.

[d] *Lit. Pat. Scot.* 8 *April.* 1606.

Per Signaturam manu S.D.N. Regis ſupraſcriptam.

The Inveſtiture of a Vicount (when Ceremony is uſed at his Creation) is by the Sword, Cap and Coronet or Circle, beſide the Charter or Patent, which are ſolemnly brought to the Lord Commiſſioner appointed for the Creation, when he that is to be created is preſented with much Court Ceremony; his Standard and Penſil alſo carried before him; but both folded up until after the Creation when they are diſplayed. But alſo he firſt taketh the oath of a Vicount, which

Scotland is *That he ſhall maintain and defend the true Religion profeſſed to the uttermoſt of his power, he ſhall be loyal to his Soveraign, and ſhall not conceal any point of treaſon intended againſt his Majeſties Royal Perſon, nor the eſtate or liberty of the Laws of the Realm. He ſhall be ready, as he ſhall be required to give his ſacred Majeſty true counſel, aſwell publick in the Courts of Parlament, and general conventions, as in ſecret according to his knowledge. So help him God, and be his part of Paradiſe.* Then the Lord Commiſſioner putteth on him a Sword and Belt, uſing theſe words; *In token that his Majeſty communicateth authority to you, I do gird you with this Sword and Belt.* He putteth on him alſo the Cap, Coronet, or Circle, ſaying words to this purpoſe. *To make you the more reſpected within the bounds of your Commiſſion, his Majeſty allows you the wearing of this Circle or Coronet.* And this done, the Charter of Creation is delivered to him.

II. But the Titles of Earl and Baron are much antienter there than any of theſe before ſhewed. Before about King *Malcome Mack-kenneth*, there was no higher Title than Knight, beſide that of *Thane* or *Abthan*; *Thane*, denoting a *Thane* of leſs dignity, and *Abthan* of greater. *Superioribus ſeculis* (ſaith [a] *Buchanan*) *præter* Thanos, *hoc eſt præfectos Regionum ſive Toparchas & Quæſtorem rerum capitalium, nullum Honoris nomen Equeſtri ordine altius fuerat, quod apud Danos obſervari adhuc audio.* And *nunc ſermone Anglico*, ſaies he, *patrium ſuperante, Regionum* Thani *pleriſque in Locis* Stuarti *vocantur & qui illis erat Abthanus nunc* Stuartus Scotiæ *nominatur. Paucis in locis vetus Thani nomen adhuc manet.* The word *Thane* uſed among them was, it ſeems, but the ſame which we had in *England*. For in their *Pictiſh* or *Iriſh* they called a *Thane*, *Toſche*, [b] and the ſon of a *Thane*, *Mactoſche*. But this King *Malcolm* (or *Malcolm* the ſecond, that raigned about fifty years before him; for ſo ſome will have it) was the firſt author in *Scotland* of the Titles of Earl and Baron. But the name of *Thanes* afterward continued, and was of ſpecial reputation whatſoever it was in matter of Honor, as you may ſee in divers paſſages of the Scottiſh [c] Laws.

And with theſe obſerve that livery, or the promiſe of a livery of the Earldom of *Marre* made by *William* King of *Scotland* to *Morgund Fitz-Gillocher* Earl of *Marre*, in MCLXXI, where *Thanes* are expreſly diſtinguiſhed for *Barons* or *Baronias*, as they are there called.

WIllielmus *Rex* Scotorum *univerſis Epiſcopis, Comitibus, Abbatibus, Prioribus*, Baronibus, *Militibus*, Thanis, *& Præpoſitis, & omnibus aliis probis hominibus totius terræ ſuæ tam Clericis, quam Laicis, Salutem æternam in Domino, Sciatis præſentes & futuri* Morgundum *filium* Gillocheri *quondam* Comitis de Marre *in mea præſentia veniſſe apud* Hindhop Burnemuthe, *in mea nova foreſta, decimo Kalendarum Junii, Anno Gratiæ* MCLXXI, *petendo jus ſuum de toto* Comitatu de Marre, *coram communi Conſiliio & exercitu Regni* Scotiæ *ibidem congregato. Ego vero cupiens eidem* Morgundo *& omnibus aliis jura facere, ſecundum petitionem ſuam, jus ſuum inquiſivi per multos viros fide dignos, videlicet per* Baronias *&* Tha-

nos

[a] *Rer. Scotic. lib. 6. & videſis Hect. Boet. lib. 11, & 12.*

[b] *Skeu. in Reg. Majeſt. lib. 4. cap. 31, 36, & 38.*

[c] *Reg. Majeſt. lib. 4. cap. 31. et 36. leg. Williel. Regis cap. 7. §. 1. & Alexandri 2. cap. 15.*

nos *Regni mei*; *per quam inquisitionem inveni dictum* Morgundum *filium & hæredem legitimum dicti* Gillocheri Comitis de Marre, *per quod concessi & reddidi eidem* Morgundo *totum* Comitatum de Marre, *tanquam jus suum hæreditarium sicut prædictus* Gillocherus *pater suus obiit vestitus & saisitus, tenendum & habendum eidem* Morgundo *& hæredibus suis de me & hæredibus meis in feodo & hæreditate cum omnibus pertinentiis, libertatibus, & rectitudinibus suis adeo liberè, quietè, plenariè, & honorificè, sicut aliquis* Comes in Regno Scotiæ, *liberiùs, quietiùs, plenariùs, & honorificentiùs, tenet vel possidet; faciendo inde ipse & hæredes sui mihi & hæredibus meis forinsecum servicium, videlicet* Servicium Scoticanum *sicut antecessores sui mihi & antecessoribus meis facere consueverunt. Eodem vero die & loco post homagium suum mihi factum coram communi Consilio Regni mei, prædictus* Morgundus *petiit sibi jus fieri de toto* Comitatu Moraviæ *de quo prædictus* Gillocherus *pater suus obiit vestitus & saisitus, super qua petitione sua per quamplures viros fide dignos,* Barones, *Milites, &* Thanos *Regni mei inquisitionem facere feci, & per illam inquisitionem inveni dictum* Morgundum *verum & legitimum hæredem* de Comitatu Moraviæ, *& quod eodem tempore propter guerram inter me &* Anglicos *graviter fuissem occupatus, &* Moravienses, *pro voluntate mea, non potuissem justificare, dicto* Morgundo *nullum jus facere potui. Sed cum guerram inter me & adversarios meos complere & rebelles* Moravienses *superare potero, &* dicto Morgundo *sibi & hæredibus suis promitto, pro me & hæredibus meis, fideliter & plenarie jus facere de toto* Comitatu Moraviæ. *Et ut hoc factum meum aliis certificaretur prædicto* Morgundo, *has literas meas dedi Patentes. Teste me ipso eodem Anno, die & loco supradicto.* Scotland

I have it writ in Parchment in a hand of the time wherein it is dated, but without any Seal to it. But it is observable also for the dignity of an Earl there, which is now given (after such an oath in substance taken as a Duke takes) by a Sword put on, the Lord Commissioner (in case it be done with Ceremony, besides the Patent or Charter, and by Commission; and the Investiture used by a Commissioner gives light enough to that which is done by the King himself) using these or the like words, *In sign and token that his Majesty communicates authority to you within the bonds of your Commission I gird you with this Belt and Sword.* Then he puts on his head a Cap and Circle or Coronet pointed saying, *to make you the more to be respected within the bonds of your Commission or elsewhere, His Majesty allows you to the wearing of this Cap and Circle or Coronet,* after which the Charter of Creation is given him. His

Comital

Scotland Comital Robes, and the reſt of the Solemnities, and appointing of Lords and Officers, I omit here.

But for their Barons; the firſt mention I find of that Title is in the Laws attributed to King *Malcolm Mackeneth* or the ſecond of that name. *Dominus Rex* Malcolmus *dedit & diſtribuit totam terram regni Scotiæ omnibus ſuis: Et nihil ſibi retinuit niſi regiam dignitatem & Montem*[d] *placiti in Villa* de Scone. *Et ibi omnes* Barones *conceſſerunt ſibi Wardam & relevium de hærede cujuſcunque* Baronis *defuncti ad ſuſtentationem Domini Regis.* And to theſe Barons, with juriſdiction, he granted (ſaith *Hector Boetius*) *Foſſam & Furcam*, that is, *Pit and Gallows* (whereupon, as Mr. *Skene* tells[e] us) In *Scotland* he is called *ane Baronne, quha haldis his lands immediately in chief of the King, and hes power of Pit and Gallows, and Infangthief and Outfangthief.* The Gallows is for the hanging of men offenders, and the Pit to drown women. But *generaliter* (ſaith he) *in hoc regno* Barones *dicuntur qui tenent terras ſuas de Rege per ſervitium militare per albam firmam, per feudi firmam vel aliter cum Furca & Foſſa. Et nonnunquam generaliter accipitur pro quolibet Domino proprietario rei immobilis.* So that all ſuch Tenants to the *King*, have the general name of Barons, as our Lords of Mannors have alſo. And, it ſeems, they all are wont to come to the Parlament of *Scotland*, until by an act under King *James*[f] the firſt in MCCCCXXVII, it was ordained that two Commiſſaries of every Shire ſhould be choſen by the ſmall Barons and ſent (as the uſe is) in like ſort almoſt as the Knights of the Shire to the Parlaments in *England*. But the diſtinct honorary Title of Baron was and is only due to ſuch as were Barons of the Parlament, or *Banrents* as they call them. In the ſame Act of King *James* the firſt; *All Biſhops, Abbots, Priors, Dukes, Earls, Lords of Parlament and Banrents, the which the King will be received and ſummoned to Councel and Parlament by his ſpecial precept.* The reaſon of their Title of *Banrent* will perhaps appear out of the ſolemnities uſed at their Creation of a Baron. He that is to be created, is brought with much Court Ceremony in his Robes of State before the Lord Commiſſioner, if it be done by Commiſſion and with Ceremony. For no doubt can be but that the King by his Charter alone may at his pleaſure give any of theſe dignities without any Ceremony. But before him, as he comes in, beſide the Belt, Sword and Charter, there are alſo (as before the reſt that are created into greater dignities) carried on a Spears point by ſome Gentleman, a Pinſel of Taffata rolled up till he be created and his ſtiles proclaimed, and then alſo on another Spears point by another the Standard of Taffata, whereon is painted his whole atchievment, the Pinſel having on it only his Creſt and word. After his oath taken (which is but the ſame that a Vicount takes, and from the uſe of it in the Creation of a Baron[g] was received alſo into the Creation of a Vicount) and the girding of him with a Sword, and delivery of the Charter, as in the making of a Vicount. Their *Lion* King at arms proclaims his ſtile ſaying, *Sir*, I. H. *of* E. *Knight, Baron, Bannerent* or *Banrent* or (as I find it ſometimes written) *Baronrent, Lord of our Soveraign Lords Parlament, Lord of B.* and at the word *Bannerent*, the points of the Standard, are (as my inſtructions ſay) *ſtowed from it.* But ſaith[h] *Skene*, it is manifeſt by the act of King *James* the firſt before cited that a *Banrent* is a kind of eſtate greater and more honourable than *Barons*, becauſe every *Banerent* is by that act to be ſummoned to Parlament, but not every Baron

d The Mute hill of *Scone.*

e Ad *Malcolm. leg. & inde verb. ſignif. & videſis Parl. 6 Jacobi cap. 91. & Leg. Malcolm. 2. cap. 9. & 13.*

f 23 *Jacobi vel Parl. 7. cap. 101. & vide Parl. 11 Jacobi 6. c. 113. & Parl. 5 Jacobi 6. cap. 275. Parl. 6 Jacobi 2. cap. 75. Parl. 6 Jacobi 4. cap. 78.*

g The oaths at the creation of the ſeveral Dignities in *Scotland* are Printed alſo in a book of *certain matters of Scotland*, at *Edinburgh* 1597. and at *London* 1603.

h *De verb. ſignif. verb. Banrent.*

Baron. It is true, I think, that *Banrent* is of more dignity than Baron, as Baron in its larger ſignification than Baron of Parlament, extends alſo to thoſe ſmall Barons or *Lairds* that are excluded by the act. But as Baron is a Title of Honor, and hath relation to the Parlament, it ſeems, they are meerly Synonymies; and that originally out of that antient cuſtom of the bearing of a Banner (which is ſquare) being allowable to no ſubject but Barons (except thoſe that have the Title of *Bannerret*, to that particular purpoſe given them) or ſuch as are above Barons in dignity, and have yet the title of Baron alſo in that general notion, wherein it is communicated not only to all that have the diſtinct Title, but to all other that are above it; whereof enough already in the dignities of *France* and *England*. Therefore alſo are their Earls and (it ſeems) their other greater dignities, called *Barons Banerents*. For all men (ſaith *Skene*) *when they are belted and maid Earls, are called* Barronnes Banrent, *and Lords of our Soveraine Lordis Parliament; Quhairby it is manifeſt that the ſaid Dignity* (*of* Banrent) *is common to many, and nocht proper to any man*, that is, as I underſtand it common to Barons of Parlament, and to all other Parlamentary dignities that are above the diſtinct title of Baron. *Scotland*

III. The Title of Knight is given there (as thoſe greater dignities) after an oath [k] taken alſo proper to that dignity; and ſometimes at leaſt with more Ceremony than for ought I know at this day in any place of the world, and nearer the antient faſhion when the girding with a Sword, and the putting on of Spurs were neceſſarily uſed in the giving it. Thoſe Gentlemen that carry the Enſigns of Honor, as the Standard, Penſil, and ſuch more before the Baron and the Vicount, and (I think alſo) before the reſt of the greater dignities at their Creations, are, uſually after the Creation at the requeſt of him that is created, Knighted by the King or ſome power derived from him. And from this form of Knighting them the moſt ſolemn order of giving Knighthood there, may be beſt learned.

[k] *Videſis* Camden *Brit. pag.* 684. Demiſter. *de Juramento lib.* 3 *cap.* 19. *&c.*

The new created Baron, for the purpoſe, with due regard thanks him that created him, and craveth favour that according to the antient cuſtom, the Gentlemen bearers of the Enſigns of his Honors may be dubbed Knights. The Lord commiſſioner commandeth the ſame to be done. The King of Arms places the new created Baron among his Peers that are preſent, and then calls the Gentlemen that bare the Sword and Belt, the Standard, and the Penſil, by their names and in the order that we mention them. They kneeling before the Lord Commiſſioner, the King of Arms maketh ſome ſpeech to them concerning Knighthood, or what elſe he thinks proper for the time, and then cauſeth them to hold up their hands, and take this Oath.

1. *Ye ſall fortifie and defend the Chriſtian Religion and Chriſt's holy Evangel preſently publickly preached in this Realm at the uttermoſt of your power.*

2. *Ye ſall be leyel and trew to our Soverane Lord the King's Majeſtie, to all ordoure of Chivalrie, and to the noble office of Arms.*

3. *Ye*

Scotland 3. *Ye ſall fortifie and defend juſtice at your power, and that without fear or favour to any partie.*

4. *Ye ſall never flie from your Soverane Lord the Kings Majeſtie, nor fra his hienes Lieutenant in time of Melle.*

5. *Ye ſall defend your Native Cuntrie from all alienars and ſtrangers.*

6. *Ye ſall defend the juſt actioun and quareuelles of all Ladies of honor, of all true and friendles Widowes, Orphelins, and Maides of good fame.*

7. *Ye ſall do diligence quhaire ever ye hair thair are any Murtherars, Traytors or Maiſterfull Thieves and Ravaris that oppreſſeth his Majeſties Ledges and poore, to bring them to the Lawes or Juſtices with diligence at all your power.*

8. *Ye ſall mainteine and uphold the whole eſtaites of Chevalrie with horſe, harnes, and other Knightly abviliaments, and ſall help and ſuccor all thame of the ſamen ordoure if they ſtand in need.*

9. *Ye ſall acquire and ſeek to have the knowledge and underſtanding of all the articles and points requiſite for you to know, conteined in the Books of Chevalrie.*

10. *Ye will promes to obſerve, keep, obey, and fulfill all the premiſſes to the uttermoſt of your power, ſo help you God, be your owen hand, and be God himſelf.*

Then the King of Arms giveth the Sword of Honor to the Lord Commiſſioner who ſtriketh the firſt of the Gentlemen thrice with it on the right ſhoulder, ſaying, *Avances Chevalier.* And at the ſame time his Spurs are put on by ſome antient Knights preſent. Then the King of Arms pronounceth his ſtile, *Sir I. N. of O. Knight.* Then the Heralds and the Purſevants, the Trumpets ſounding forth at the windows, proclaim it. And in like ſort the other two Gentlemen are Knighted. The Court ſolemnities of the firſt meeting, departing, feaſting and the like in this, as in the reſt, we omit here. For the antient times; ſomething before occurrs in that which King *Alexander* the third ſaid, when he was Knighted in *England.* And *induere armis militaribus* was antiently the phraſe there to give the order. *Alexander Rex Scotiæ* (ſaith the Chronicle of[l] *Mailroſe*) *Johannem Scotum Comitem de Huntedone cognatum ſuum filium* David *Comitis & plures alios Nobiles viros armis militaribus induit in die Pentecoſtes in Caſtello de Rokesbyre.* This was *Alexander* the ſecond MCCXXVII. For the order of Saint *Andrew* there, I refer you to *Menenius*, *Miræus*, *Favin*, and ſuch more.

[l] *Mſs. in Bibl. Cotton.*

That Oath is but the ſubſtance which antiently was either ſworn or profeſt by Knights in moſt other Countries alſo at their Creation. Whence it was alſo that to perform that belong'd to the order of Knighthood, was eſteemed as meritorious as to do all that a Monk, Friar, or Canon regular ſhould. I have an old Direction[m] of life to all ſorts

[m] *Mſ.*

of

of perſons in French verſe, where I read theſe to that purpoſe. *Title of* Gentleman.

Si vous ſeietz de teu valour
Ke reſceyure devez l' honour
E l' ordre de Chivalrie
Le Honour Sovereyn de ceſte vie
Adunke vous pri en amiſtetz
Qe bien e nettement guardetz
Les reules qe doyt guarder
Cely qe eſt dreit Chivalier.
Nad Frere precheour, *ne Chanoygne,*
Ne Frere Cordeler, *ne* Moyngne
Ke l'alme puiſſe meulz ſalver
Ke ne puyt ly Chivaler.
Pur quey qe y faces dreytement
Ceo qe a ſonn ordre *apent.*
Le Ordre *demande nette vie*
Chaſtete & curteyſie;
De feat & de dit eſtablete,
Et tote manere leante &c.

CHAP. VIII.

I. *Of the Title of* Gentleman, *as it is abſolutely uſed in common ſpeech, or* Nobilis. *Gentlemen of blood.*

II. Edelman, Frey vom Adel, Æ˜el. *Whence the names of* Gentleman, Gentilhome, Gentilhuomo, Gentilhombre, *and* Hydalgo *are to be deduced.*

III. *Of Creations of the title of* Edelman, Gentilhuomo, *or* Nobilis, *by* Codicilli Honorarii, *Charters, or ſuch inſtruments. Ennobling by the* Pope. *Creation by a kind of* Adoption *to a Family.*

IV. *The form of Ennobling in* France *by Edict and Letters Patents, and of the like in* Spain, remiſſivè.

V. *Forms of Ennobling or rayſing to the ſtate of a* Gentleman, *or* Nobilis, *by Letters Patents in* England.

WE reſerved the Title of *Gentleman*, that is, our laſt Title in our firſt diviſion of this part, until this place where we ſhall at once ſpeak of it as it is in uſe in ſeveral Countries whoſe ſubordinate Titles are before ſeverally delivered.

I. The Title of *Gentleman* (as we uſe it abſolutely in common ſpeech, when we attribute it to any man to whom it belongs in the largeſt acceptation, in any of thoſe Countries) denotes one that either from the blood of his Anceſtors, or the favour of his Soveraign, or of them that have power of Soveraignty in them, or from his own vertue, employment or otherwiſe according to the Laws and cuſtoms of honour in the Country we ſpeak of, is ennobled, made Gentile, or ſo raiſed to

Title of Gentleman.

an eminency, above the multitude, perpetually inherent in his perſon, that by thoſe Laws and cuſtoms he be truly *Nobilis* or Noble, whether he have any of the precedent Titles or not fixt beſides on him. Underſtand *Nobilis* here in that ſence as it hath been frequently uſed ſince the declining times eſpecially of the *Roman* Monarchy, as well for one that is by Letters Patents of the Emperour or otherwiſe made *Nobilis*, as for him that is by birth ſo. For the antient uſe of *Nobilis*, eſpecially before the Monarchy, was ſuch that it was juſtly given to none but him that had [a] *jus imaginum*, or ſome Anceſtor at leaſt that had born ſome of their greater offices, or their *Magiſtratus Curules*, as Cenſorſhip, Conſulſhip, and ſome ſuch more, from whoſe image kept he had the *jus imaginum*. The firſt anceſtor upon whoſe death this Nobility or Gentry began, was called *Novus homo* only, being before his offices, that gave him the Title of *Novus*, only *Ignobilis* as the reſt of the multitude. Neither was that uſe, it ſeems, to this purpoſe, different from that of the Greeks and antient Jews among whom the expreſſions of their Gentry or Nobility (which is all one in the ſence we now uſe it) was with relation to the Anceſtors. Εὐγενὴς, Γενναῖος, Εὐπαλὴς, Εὐπάλως, that is, *one deſcended from great Parentage* among the Greeks denoted a Gentleman or *Nobilis*, and ſo Εὐγένεια *Nobilitas*, which *Ariſtotle* [b] calls ἀρχαῖος καὶ πάτριος ἀρετή, or *antient wealth and vertue*, or ἀπὸ τιμῆς προγόνων *the dignity of the Anceſtor* or the like. The firſt authors of it being ſtiled ἔνδοξοι and τίμιοι, or *famous* and *honourable*, or the like. And for the Jews; learned men conceive that whereas they had two words, that ſignified as *Homo* and *Vir* in their ſtricter ſence do, אדם *Adam* and איש *Iſh*, they called [c] ſuch as were in the ſtate of *Nobiles* among them בני איש *Beni Iſh*, or *filii viri*, or the ſons of great men, and the reſt בני אדם, or *filii Hominis*, or the ſons of men of common rank; and ſo that place of the Pſalms, [d] *Hear all ye people, give ear all ye that dwell in the world* כל אישׁ גם בני אדם גם בני יחד עשיר ואביון *as well the ſons of great men as of men of common rank, both rich and poor together*, or as *Munſter* both turns and explains it, *Tam filii hominum (ignobilium) quam filii cujuſcunque Nobilis, ſimul dives & pauper.* The vulgar hath there *Quique terrigenæ & filii hominum*, where *homines* is taken for the beſt kind of men as in Latin alſo where it is not oppoſed to *Vir*. Juſt ſo the LXX. οἵτε γηγενεῖς καὶ οἱ υἱοὶ τῶν ἀνθρώπων, with which in ſubſtance both the Arabick and Syriack agree, as if the LXX tranſlators for אדם *Adam* which is *homo*, had read אדמה *Odamah*, that is, *earth*, in the text. But where our Engliſh tranſlations have *High and low*, there, the low Dutch to the ſame ſence **beide gemeijne man ende Heeren**, and expreſly the French, *tant ceux de bas eſtat que les Nobles.* But ſome ages after the *Romans* were under a Monarchy, the Title of *Nobilis* was given alſo to ſuch as by the Emperor's Patents of Offices or their *Codicilli honorarii*, were firſt raiſed out of the loweſt rank. And *adjudicari Nobilibus*, [e] and *creari Nobilem* and the like were phraſes *to be ſo made noble*, whence it is that *Auſonius* uſing the phraſe of his own time makes [f] *Solon* ſay,

Pulchrius multo parari, quàm creari Nobilem.

And in this ſence alſo hath *Nobilis* ſince continued, and ſo we here uſe it. That other notion of *Noble* which we uſe in *England*, when we expreſs our Lords by *Noblemen* [g] abſolutely, is peculiar to us only, and

a *Vide ſis Roſſin. Antiq. Rom. lib. 10. cap. 19.*

b *Politic. lib. 4. cap. 8. lib. 5. ca. 1. Rhetoric. ad Theodect. lib. 2. cap 15. quem vide porro in fragmento libri* περὶ εὐγενείας, *qui tamen an ſit Ariſtotelis dubitat Plutarchus ſub finem Ariſtidis.*

c *Kimchi in Rad.* אישׁ *Druſ. Obſervat. lib. 3. cap. 19. alii.*

d *Pſal. 49. 2.*

e *Symmach. lib. 10. Epiſt. 25. & vide infra §. 3.*

f *In ſeptem Sap. ſent.*

g *Sed & vide ſis 33 Hen. 8. cap. 28. in titulo capitis.*

and belongs not at all to this place. Neither will we trouble it further with other notions of *Nobilis* that expreſs not the dignity we handle here; nor add more of the common diſtinction of Nobility into that which is *Theological* or *Chriſtian*, *Philoſophical* or from manners and vertue, and *Political* or *Civil*, than that we ſpeak here only of *civil Nobility* or Gentry. This conſiſts in ſome countries in enjoying divers privileges both perſonal and real, as well as or more than in the eminency of dignity whereunto the Gentleman by his birth or quality is raiſed, as in the *Empire*, *France*, *Spain*; in ſome, chiefly in eminency of dignity. And it is in all, either derived from Noble or Gentle Anceſtors, or otherwiſe according to the divers Laws and cuſtoms of honor, newly acquired. The ways of acquiſition of it are very various according to thoſe laws and cuſtoms; and are variouſly diſputed by the many Writers that have publiſhed whole Volumes *De Nobilitate*, or with the like Titles. After that Arms alſo or the Enſigns of diſtinction born upon Shields, grew to be in many Families hereditary (which was about four hundred years ſince) it came into frequent uſe that he who was either formerly ennobled by blood or newly by acquiſition, either aſſumed[h] or had by grant (as his caſe and the cuſtom of his Country permitted) from his Sovereign or ſome other lawfully exerciſing Soveraign power, ſome ſpecial note of diſtinction by Arms alſo to be tranſmitted with his Gentry to his poſterity. And a common uſe of giving Arms together with Gentry or in Charters of *Ennobliſhment* (as the French call it) hath continued to this day, although to all that have been ennobled, it hath not been uſed, as hath been anon ſhewed in ſome examples. But before ſuch time as Arms were hereditary, all Gentlemen, it ſeems, in theſe Nations of *Europe* that have been States of themſelves bred out of the declining of the Empire and out of the irruptions of thoſe of the North, were ſuppoſed to have their Shields diſtinguiſhed by ſome Arms of their own fancy, that ſo they might be known one from another in the field in ſuch ſort as* *Vegetius* ſays in the antient Empire, the ſoldiers were diſtinguiſhed by the *Digniata*, or Deviſes of their companies and by their own names expreſſed on their Shields. And thus in the cuſtoms of *Europe* (which for the moſt part came immediately from thoſe Northern Nations, that about declining of the Empire planted themſelves almoſt throughout it) the right of having Arms hath been from antient time an Enſign of Gentry, and that almoſt as the right of having Images was in the old *Roman* State. Thoſe warlike Nations and the reſt with whom they are mixt in *Europe*, ſo eſteemed the noble office of a Soldier, and were ſo much all Soldiers, that from what belonged to the wars only rather than from any thing elſe they would take the Enſigns of Gentry; whence alſo, *Miles*, *Chevalier*, *Cavaliero* and *Eſcuyer* alſo, or *Scutarius*, or *Armiger*, all being names framed firſt as proper for the wars, are uſed ſometimes in a notion that means only a Gentleman, as may be obſerved out of what is already delivered touching them. Thence it is alſo that, Arms have been uſually given to an ennobled perſon though of the long Robe[i] wherein he hath little uſe of them as they mean a ſhield. But being a Gentleman he is ſuppoſed alſo either to be a Soldier or ready upon occaſion to be one, and therefore hath that Enſign to denote him. The ſame may be ſaid of Creſts. But for Arms and Creſts, the ſeveral ways of ennobling by Feuds, by employment, by degrees in learning, or the like, according to the Laws of ſeveral Countries, and

Title of Gentleman.

h *Vide* Bonum de Curtili *de Nobilitate part.* 3. §.172. Pompon. Roch. *de Inſignibus Familiar. lib.* 1. *cap.* 9. & 13. Stephan. Forcatul. *in* Cupidine Juriſperito *cap.* 22. Felicem Malleolum, *de Nobilitate & Ruſticitate cap.* 29 *Abraham Franſum popularem noſtrum, Inſignium lib.* 2. *&c.*

* *De re Militari lib.* 2. *c.* 18.

i *Videſis* Paſchal. *de Coronis lib.* 10. *cap.* 15.

Title of Gentleman. the great harveſt of other particulars touching Gentrie; the ſtore of former Writers, is ſo great of them that we have ſingled out for this place only theſe two heads touching them. One of the ſeveral Names by which *Gentlemen* or *Nobiles* are in the moſt parts of *Europe* ſtiled, and eſpecially of the original of the name *Gentilman* and *Gentilhomme* and the like; the other of the *Inſtruments* or *Charters* by which *Gentry hath been given.* For by thoſe we ſuppoſe we ſhall make ſome eſtimable addition to what others have done that have herein gone before us.

II. In the German Empire *Nobiles* or *Gentlemen* (we ſuppoſe Gentlemen ſtill in our Engliſh uſe of it, convertible with *Nobiles*) are ſometime expreſſed by **die Freye vom Adel**, or **die Freye Adeliche Reichs Ritterſchaft**, that is, *the free Gentlemen*, or *Ordo Equeſtris* (as they are called alſo) *of the Empire*. Which means only thoſe Gentlemen that are [l] immediately ſubject to the Emperor in **Francken**, **Schwaben** and **Rheinlander**, or ſome parts belonging to theſe. Their privileges of being free from taxes, being ſubject to no other Court but the Emperors and ſuch like, make them of a ſingular eminency. Other Gentlemen there, whether mediate or immediate to the Emperor, are called **Edelmen**. In both the word **Adel** (whence alſo with ſome variance of Dialect the *Danes* and *Suethès* call their Gentlemen) or **Edel** denotes *Nobilis*, whence **Edel-dom** and **Edelheit** are *Nobilitas*, and **Veredelen**, and **Edelmaecken**, to *ennoble*. From the ſame word was that *Edilingi*, for *Nobiles* among the Saxons in *Germany*, made in [m] *Nithardus*, and *Adalingus* [n] in the ſame ſence is in the old Lawes of ſome parts of *Germany*. And our Engliſh *Saxons* alſo called their Gentlemen Æþelum ſpeaking but a Dialect of the old Dutch. Touching that, ſee what is before [o] ſaid, where we ſpeak of *Etheling*. And for *Nobilis Decurio* which is the attribute of *Joſeph* of *Arimathea*, in the vulgar, our old [p] *Saxon*, tranſlated out of it, hath Æðela ȝeneſa. But in *Poland* they call their *Nobiles* **Szchlacta**, as we ſee frequently in their Laws. But in the moſt other parts of *Europe* the very name of **Gentleman** expreſſed in the ſeveral Provincial languages is uſed, as *Gentilhomme*, *Gentilhuomo*; and *Gentilhombre* among the *Spaniards*, who alſo have that other Title for a Gentleman, which they call *Hiidalgo*; whereof more anon. The reaſon of the whole name in every Country where it is uſed, will appear clearly, if we know how *Gentil* came to it. And it is not likely but that upon the ſelf-ſame ground and original it came into all places that have received it. There be two ſpecial opinions concerning the original and cauſe of the uſe of *Gentil* in this ſence. Some that are earneſtly willing to derive all into the Provincial tongues eſpecially (of which this word is) from the purer times of the Latin, fetch it from *Gentiles*, as *Gentiles* was uſed before the *Roman* Monarchy began. It ſignified ſuch as were of the ſame name and ſtock, free born retaining their *Roman* liberty, and whoſe Anceſtors were always free. And *Cicero* calls *Tullius Hoſtilius Gentilem ſuum*, [q] only for names ſake. *Feſtus* alſo; [r] *Gentilis dicitur & ex eodem genere ortus, & is qui ſimili nomine appellatur*, to which purpoſe he cites this of *Cincius*; *Gentiles mihi ſunt qui meo nomine appellantur*. And *Cicero* ſpeaking of Arguments drawn from definitions, and ſhewing how they ſhould be made, brings this for an example; *Itemq;* [t] *ut illud; Gentiles ſunt qui inter ſe eodem nomine ſunt. Non eſt ſatis. Qui ab ingenuis oriundi*

l Paurmeiſt. de Juriſd. lib. cap. 10. §. 71. Nolden de ſtatu Nobil. cap. 1. & 30. & cap. 17. §. 14. &c. Beſold. de Ordine Equeſtr. cap. 6. §. 5.

m Lib. 4.

n Leg. Anglio-rum tit. 1, 2, 3, & 4.

o Cap. 5. hujus partis §. 1.

p D. Marc. cap. 15. comm. 33.

q Tuſc. quæſt. lib. 1.

r De verb. ſignif. verb. Gentilis.

t In Topicis.

diſunt. Ne id quidem ſatis eſt. Quorum majorum nemo ſervitutem ſervivit. Abeſt etiam nunc, qui capite non ſunt diminuti. Hoc fortaſſe ſatis eſt. Nihil enim video Scævolam *Pontificem ad hanc definitionem addidiſſe.* The relation thus made between men, was called *Gentilitas*, as we ſee in *Varro*. *Ut in hominibus*, ſaith [t] he, *quædam ſunt cognationes & Gentilitates, ſic in verbis. Ut enim ab* Æmilio *homines orti* Æmilii *ac* Gentiles, *ſic ab* Æmilii *nomine declinantes voces in* Gentilitate *nominantur.* In the ſame ſence he hath *Gentiles* in that phraſe of the twelve Tables which he uſes proverbially where he ſpeaks of the care of having a Country ſeat healthful and fruitful. *An non horum* (ſays [u] he) *ſi alterutrum decollat, & nihilominus quis vult colere, mente eſt captus atque ad agnatos & Gentiles eſt deducendus?* For ſuch as were mad by the Law of the twelve Tables, were to be committed to their *Agnati* and *Gentiles*, or to the next of their kinn and Name. They that were *Gentiles* (every of them being ſingularly *Gentilis*) were collectively alſo called *Gens*, which was ſo diſtinguiſhed from *Familia*, that the ſurnames denoted the *Familia* and the Names only the *Gens*. As the *Gens Ælia* extended to as many as had the name of *Ælius*; But the Families of that *Gens* were diſtinguiſhed by the ſurnames of *Lamia*, *Pætus*, and ſuch like. Whence it is that *Feſtus* ſays, *Gens Ælia appellatur quæ ex multis familiis conſicitur.* And in this ſence *Horace* hath *ſine Gente*, for one that is a ſlave, or at leaſt had ſervile Anceſtors. For ſuch had not *Gentem*, nor were called *Gentiles* one to the other.

Title of Gentleman.

t *De Lingua Lat. lib. 7.*

u *De re Ruſtica lib. 1. cap 2.*

Qui [x] *quamvis perjurus erit, ſine Gente cruentus.*

x *Serm. 2. Satyr. 5.*

Now becauſe *Gentiles* thus denoted men only that were *ingenui*, and of one name and ſtock, and that ſuch as were *ſervi* or *capite diminuti* (as baniſhed men or otherwiſe capitally condemned) were excluded from having *Gentem*, or the title of *Gentiles* among them, therefore it hath been conceived that *Gentilman* or *Gentilhommes* hath been uſed in the Provincial tongues, as if it ſhould literally expreſs [y] one that were *Nobilis ab origine Gentis*, or ennobled by his ſtock. In which ſence, we ſee, the name of Gentlemen (in an acceptation according to this original only) ſhould ſignifie one only that were ennobled by Blood, as *Nobilis* did in the more antient times in *Rome*, or as *Generoſus* (which is frequently uſed for Gentleman) out of its own notation doth. For *Generoſus* in its primary and moſt uſed acceptation is *qui bono genere ortus, non degenerat*, or one that being born of worthy parents is by kind alſo like them. In which ſence it is applied alſo to beaſts, trees, fruits, and other things when they are commended for their quality with reference to the ſtock whence they come. The examples are obvious. But when it is ſpoken according to the antient ſence, of a Gentleman, it expreſſes more his own perſonal worth than the dignity of his Anceſtors, though it ſuppoſe both. No otherwiſe than as the Greek εὐγενὴς, which ſignifies the ſelf ſame. To this purpoſe *Ariſtotle*, Ἐὰν ἡ ἀγαθὸς ὢν (ſaith [z] he) κατὰ τὸ γένος ἀρετὴν. γενναῖον ἢ κατὰ τὸ μὴ ἐξίστασθαι ἐκ τῆς φύσεως. *The being Noble* (in that more antient ſence of Noble) *is by vertue of Anceſtors* or *the ſtock*, *but the being Generous is not to degenerate from the birth*, which, ὡς ὅπι τὸ πολὺ ἐ συμβαίνει τοῖς Εὐγένεσιν ἀλλ' ἔστιν οἱ πολλοὶ ἀγενεῖς, *very often happens not to thoſe that are Noble, but many of them are of no eſtimation.* For as in the fruits of ſoil, ſo in the generations

y *Bud. in Annot. ad Pandect.*

z *Rhetoric. ad Theod. lib. 2. cap. 15.*

Title of Gentleman.

tions of men there is a frequent change from the Original. From a good ſtock, for ſome time excellent men are propagated, and then the poſterity often degenerate, as he notes there.

The *Dutch* have a good word of *Generoſus*, **wellgeboren**, or *welborn*; and in an antient Latin-Saxon Gloſſary, *Generoſitas* is interpreted by a *Mſs.* *ſ*ƿelboꝛynneſſe, *Noble birth.* Though alſo vulgar uſe now hath ſo altered the genuine ſence of *Generoſus* that it frequently denotes any kind of Gentleman, either by birth or otherwiſe truly enjoying that name, as well as *Nobilis.* But it was long, before the conſtant uſe of *Generoſus* was with us for the Title of Gentleman in our Writs, Counts pleadings and ſuch like. Till about *Henry* the eighth, the very word *Gentilman* was often retained for the addition in the Latin as we ſee in the Rolls of the precedent times. But then *Generoſus* came to be conſtantly with us uſed for a Gentleman of what ſort ſoever, if his Title were no greater. And plainly we ſee ſome ſteps of ſuch a uſe of γενναῖος (which is but the ſame) in that old proverb, ὁ γενναῖος εἶ ἐκ βαλαντίου, *you are* b *Suidas in verb.* γενναῖος. *Generous even by your purſe*, ſpoken [b] of ſuch as were rich, and therefore would ſeem Noble alſo. And the Gloſſary but now cited interprets alſo *Generoſam* by ƿ *ſ*ᵹele, or *a woman that is noble*, abſolutely without relation to birth.

The other ſpecial opinion touching the Original of the word Gentleman, is, that it came from the word *Gentilis* uſed in a moſt different notion about the declining of the Empire, and afterward; that is for one that was no *Roman*; but of ſome of thoſe other Nations that had made irruptions into the Empire, and in a manner deſtroyed it. For the underſtanding of this opinion; we firſt ſhew that uſe of the word *Gentilis*, and the original of that uſe, and then how it might thence come to be uſed for *Nobilis.* Beſide the common Notion of *Gentes* (whence *Gentilis* is made) wherein it ſignifies Nations, or all men indefinitely, as it doth in *Jus Gentium* from antient time to this day, there was another notion of it, in the declining times, reſtrained only to ſuch Nations as were not *Roman*; no otherwiſe than as antiently *Barbari* was uſed firſt for all beſide *Grecians*, and then for all except them and *Romans* as in *Claudian.*

c *De bello Getico.*

——*jam* [c] *fœdera* Gentes
Exuerant. Latiique audita clade feroces,
Vindelicos ſaltus & Norica rura tenebant.

In the ſame ſence *Juſtinian*, in a Commiſſion or Reſcript to *Zeta* the *Magiſter Militum* of *Armenia*, *Pontus Polemoniacus*, and the neighbouring Countries; *Cum* [d] *propria divinitate* Romanorum *nobis ſit delatum imperium, ſollicita cura, cauta diligentia pertractantes perſpeximus oportere etiam partibus Armeniæ & Ponto Polemoniaco &* Gentibus *proprium Magiſtrum Militum per hanc legem conſtituere.* And as *Gentes* thus collectively denoted them, ſo every of them were called *Gentilis*, and all plurally *Gentiles*, and *Barbari* alſo, and the *Romans*, that lived among them, *Provinciales.* The fulleſt teſtimony of this is a Law of *Valentinian* and *Valens*, *de Nuptiis Gentilium*, bidding that any *Roman* or Provincial woman ſhould marry a *Gentilis*, or that any Provincial man ſhould take a wife of that kind, or *uxor barbara*, as they called her. The words of the Law are, *Nulli Provincialium*, [e] *cujuſcunque ordinis aut loci fuerit, cum Barbara ſit uxore conjugium, nec*

d *C. tit. de officio mag. Militum lib. 5.*

e *C. Theodoſ. l. 3. tit. 14.*

ulli

ulli Gentilium *Provincialis fœmina copuletur. Quod ſi quæ inter Provinciales atq;* Gentiles *affinitates ex hujuſmodi nuptiis extiterint, quod in iis* [f]*ſuſpectum vel noxium detegetur, capitaliter expietur. Datum* V. *Kal. Jun. Valent. & Valente Coſſ.* Elſewhere alſo in *Theodoſius* his Code [g] the ſame uſe is of *Gentiles*. But the Original of this uſe is to be deduced from the antienteſt times, and that from among the *Jews*, through the Greeks, into the Latin Chriſtians. For before Chriſtianity and the idiotiſm of Chriſtian language received into Latin, this uſe of it was not in the Empire. The *Jews* ſo uſed their word גוים *Gojim* (which ſignifies *Gentes*) abſolutely ſpoken, for other Nations according to the ſubject matter, that they excluded themſelves, and comprehended others only in it. In that ſence we have it in *Moſes* where he ſays [h] that the poſterity of *Japhet* divided the Iles of the Nations or איי הגוים *Iji hagoojim*, which is the ſame. Thus it is uſed very frequently in the old Teſtament. in thoſe paſſages where τὰ ἔθνη, *Gentes*, or the *Nations* occurr. And thence it is alſo that the *Rabbins* have the ſingular of it גוי *Goi*, for a man of any other Nation than of *Iſrael* or a *Jew* כל איש שאינו מישראל קראו לו גוי כלומר שהוא מנוי אחר ואם נקבה היא (ſaith *Elias* [i] *Levita*) קראו לה גויה *Every man that is not an Iſraelite they call* Goi, *as if you ſhould ſay, he is of another Nation. And if it be a woman, they call her* Goiah. To the ſame purpoſe *Rabbi D.* [k] *Cimchi*, and others. From that uſe of גוים in Ebrew, τὰ ἔθνη (which among thoſe of the purer times of the Greeks, that wrote in Greece, ſignifies as *Gentes* did in the purer times of the Latin) was in like ſence uſed in the Greek tranſlations of the old Teſtament, in ſtead of it. Thence is it alſo that we have τὰ ἔθνη in that notion ſo frequently uſed in the new Teſtament. Πάντα γὰρ ταῦτα τὰ ἔθνη ἐπιζητεῖ, ſaith our [l] Saviour, inſtructing the *Jews*; *All theſe things the Nations*, or *the Gentiles ſeek*. And ſo τὰ ἔθνη ſignifies, moſt frequently in the Acts of the Apoſtles [m] and the Canonical Epiſtles: whence alſo the Latines in the idiotiſm of Chriſtianity at firſt uſed their word *Gentes* for the ſelf ſame, which our Engliſh moſt commonly turns *Gentils*, (eſpecially in the New Teſtament) but the French *Payens* for *Pagans*, and the Dutch Heyden or Heydenen, which is but our *Heathen*. But in the primitive times both τὰ ἔθνη, and *Gentes* ſoon got another ſignification and meant not all ſuch as were not *Jews*, as in the old and new Teſtament, but thoſe only which were neither Jews nor Chriſtians, but followed the ſuperſtitions of the Ægyptians, Greeks, Romans and ſuch more. So that as the Jews uſed the word Nations or גוים for all people beſides themſelves, ſo the Chriſtians ἔθνη and *Gentes* for all people beſides themſelves and the Jews. Thence is that Title *Adverſus Gentes* in *Tertullian* his *Apologeticus*, *Arnobius*, and ſuch more that wrote in the primitive times, in the ſame ſence that Saint *Auguſtine* in his *De Civitate Dei* and *Oroſius* uſe *contra Paganos*. In this ſence it continued among the Chriſtian Writers alſo, until their propriety of ſpeech with their Religion was publickly and by authority of the State received in the Empire, ſoon after which alſo *Gentilis*, made from *Gentes* in this ſignification, was uſed for thoſe of the *Gentes*. But as *Gentes* and τὰ ἔθνη, were uſed by the Chriſtians in ſuch a ſence that excluded all Nations but themſelves and *Jews* by it, as the Jews before had done all Nations whatſoever but themſelves, ſo after the word *Gentes*, and the conjugate *Gentilis* were received into the Chriſtian ſtate of the Empire, they both had another kind of ſignification, and from this original, whence we now deduce them,

Title of Gentleman.

[f] *Hæc vera lectio; uti ex Mſ. diſcimus, ſed in vulgatis libris quibus utimur, male ſuſceptum & detegetur legimus.*

[g] *Lib.* 11. *tit.* 33 *de Appellationibus l.* 62.

[h] *Geneſ. cap.* 10. 3.

[i] *In Thisbite.*

[k] *In Radicibus*

[l] *Matth. cap* 6. 32. & *D. Luc. cap.* 12. 40.

[m] *Act. Apoſt. cap.* 18. 6. *Ad Rom. cap.* 1. 5. *&c.*

it

Title of Gentleman.

it seems, a double one. When they were used in Treatises or Laws that concerned matter of Religion, then they denoted such as were Pagans, or, being not Jews, were no Christians; But when they wrote meerly of Civil government without relation to point of Religion in Laws or otherwise, then they used *Gentes* and *Gentiles* (proportionably as the Jews antiently did their גוים , and as the Christians their τὰ ἔθνη, and *Gentes*) for all such as were not *Romans*; that is, for those that were not of the Roman Empire, or of the *Orbis Romanus*. For all of the *Orbis Romanus*, were *Cives Romani* by that old Constitution [n] of *Antonius Pius*, and the rest were now called *Gentes* or *Gentiles* as well as *Barbari*, which word came among the Romans in a like sort also, as this use of *Gentes* and *Gentiles* did. For all save the Greeks were first called *Barbari* (and so Saint [o] *Paul* also uses it) and afterward the Romans stiled all *Barbari* save themselves and the Greeks. The use of *Gentes* in matter of Religion is obvious in the Fathers; and of *Gentiles* only for such as were not Christians in this Law of *Henorius* and *Theodosius* concerning Religion; *Ne Donatistæ* [p] *vel cæterorum vanitas hæreticorum, aliorumq; error quibus catholicæ communionis cultus non potest persuaderi, Judæi atque* Gentiles, *quos vulgo Paganos vocant, arbitrentur leguin ante adversum se datarum constituta tepuisse, noverint Judices universi &c.* And the same Emperors [q]; *Qui profano paganiritus errore seu crimine polluuntur, hoc est* Gentiles, *nec ad Militiam admittantur nec administratoris vel Judicis Honore decorentur.* Other like occurrences are of it, and from this notion of *Gentiles*, we have *Professiones Gentilitiæ* in another of their [r] Laws. But in Laws of civil government only, *Gentilis* is used in that other sence for such as were not Romans, or as opposed to all that were Romans and *Provinciales*, which to this purpose were of equal condition, as we see especially in that Law of Marriages before cited, and another of Appeals noted in the margin with it. There we see *Provinciales* opposed against *Gentiles* which in the body of the Law is as a Synonymie to *Barbari*. And the old Scholiast there clears it fully. For thus he expressly sums it up in other words; *Nullus* [s] *Romanorum barbaram cujuslibet gentis habere præsumat uxorem neque* Barbarorum *conjugiis mulieres Romanæ in matrimonio conjungantur, quod si fecerint se capitali sententiæ noverint subjacere.* Here plainly he takes *Provinciales* and *Romani* to be the self same. For *Provinciales* signified all that had *domicilium in Provincia* (as [t] *Ulpian* says) and were by consequent Romans and Gentiles; and *Barbari*, he uses as a Synonymy to be opposed against both *Provincialis* and *Romanus*. And in *Cassiodore* [u] of *Opulio* made *Comes Sacrarum largitionum*; Gentiles *victu*, Romanos *sibi judiciis obligabat.* And the like kind of different notions we see in other words. *Chaldæus* where the discourse is of predictions, often signifies an Astrologer. But in Geographers, Historians, and such like that speak of State, Story, or Situation of Countries, it denotes only one of the Country of *Chaldæa*. So *Hellen* and *Hellenismus* in the old story of the Church and some Fathers signifie as much as a Gentile and Gentilisme (in such sence as either of those are opposed to Christianity) but in others that use not the words with relation to religion (even in the same time where that notion of them is found frequent) they mean only Grecians, or what hath reference to *Greece*, as it is a peculiar Country. The like may be said of the name of a Jew. The Notions of the word *Gentilis* being thus deduced and stated, they that are of this other opinion touching the original of

Gentle

n *ff. De statu Homin. l. 17. & Novell. 78. cap. 5, 6.*

o *Ad Rom. cap. 1. & videsis Fest. in* Barbari.

p *C. Theod. lib. 16. tit. 5. de Hæreticis, lib. 49. & vide l. 43. &c.*

q *Eod. lib. tit. 10. l. 21.*

r *Eisdem lib. & tit. l. 10.*

s *Interp. Lamic. tit. 14. lib. 3. C. Theodos.*

t *L. 190. ff. tit. de verb. signif.*

u *Variar. 8. form. 17.*

Gentle or *Gentil* in Gentleman conceive that thoſe Northern Nations in their framing of words out of the Latin (which they found in the Provinces where they ſeated themſelves) to make up their Provincial or Roman tongues (as the *Goths* and *Vandals* in *Spain*, the *Spaniſh*; *Goths*, *Salians*, and ſome ſuch more in *Gaule*, the *French*; and the *Goths* alſo and *Longobards* in *Italy*, the *Italian*) ſo eſteemed of the word *Gentilis* by which they found themſelves ſtiled in the Latin, that they now made it in thoſe tongues a diſtinction or note of Honor for ſuch of them as were of the more eminent quality, or in truth *Nobiles*, and were it ſeems, ambitious to be thus honored by that very name by which the Romans had before with ſome ſcorn ſo expreſſed them. And that eſpecially becauſe all being in thoſe parts after the irruptions of thoſe nations, either *Gentiles*, or *Romani*; the *Romans* (if you conſider them that were ſubjects of the Empire) were generally in a far worſe condition in regard of ſubjection, tribute, and the like, than any ſubjects, that were not as ſlaves to the better ſort, among thoſe other Nations. And therefore the better ſort of thoſe nations to expreſs their liberty perhaps, which was deareſt to them, and ſo much differed from that of the *Romans*, were the forwarder alſo to uſe that very word which ſo properly diſtinguiſh'd them from the *Romans*. To this purpoſe, *Hinc nimirum fluxit* (ſaith the learned *M.*[x] *Velſerus*) *quod cum Barbari in devictis Provinciis meliori quam Romani jure uterentur* (*cujus vel una hæc ex Ripuariis legibus fidem facit.* Si quis[y] *Ripuarius* advenam Francum interfecerit CC ſol. culpabilis judicetur. Si quis *Ripuarius* advenam Burgundionem interfecerit, CLX. ſolidis mulctetur. Si quis *Ripuarius* advenam *Romanum* interfecerit C ſolidis mulctetur. Si quis *Ripuarius* advenam *Alemannum* ſeu *Friſonem* vel *Bauvarium* vel *Saxonem* interfecerit CLX ſolidis culpabilis judicetur) *Gentilitatis nomen Dignitatis exiſtimationem induxerit, paulatimque eo res prolapſa ſit ut* Gentiles homines *abſolutè pro* Nobilibus *dicerentur, quæ in* Italia & Gallia *conſuetudo, item* Hiſpania, & *Britannia quodammodo ad hoc ævi tenet, atque, ut ineptias inanium opinionum rideas, ſi quem ibi* Gentilem *compelles, honori deputet*; *ſi, quod idem eſt*, Barbarum, *inſignitam ſibi illatam contumeliam opinetur.* For we have we ſee often likewiſe *Tam Barbari*[z] *quam Romani*, and *Barbari ſeu Romani* in King *Theodorique*'s Edict in the Laws of[a] the *Burgundians*, and ſuch more. For they thought not *Barbarus* to be more diſgraceful than *Plautus* did when he called *Næius*, [b] *Barbarus*, or ſpeaking of his *Aſinaria*, ſaies that *Demophilus ſcripſit*, *Marcus vertit Barbarè*. For in *Plautus* his time, *Barbarus* in *Rome* ſignified any that was not a *Grecian*, as it was now taken by theſe nations we ſpeak of, for any among them that was not *Roman*. And it was nothing ſtranger that *Gentilis* from that more general ſignification ſhould come to this reſtrained notion in the Provincial tongues, than that *Dux*, *Comes*, *Baro*, *Miles*, *Scutarius* and ſuch more, being all of a very large ſence, ſhould ſo come to denote particular dignities both in the Latine of the middle times, and in the Provincial Languages, being but varied according to the Provincial idiotiſms. *Nobilis* it ſelf alſo in Latine was and is very large, and hath been by a like kind of uſe reſtrained alſo in another Notion to that which we call a Gentleman.

Title of Gentleman.

Of theſe two opinions touching the name of Gentleman, I incline moſt to the latter. For they of the firſt, who would have it from the more antient and purer word *Gentilis*, ſeem to forget that which ſpe-

x *Rer. Aug. Vindelic. lib.* 8.

y *Ripuar. tit.* 36. §. 1, 2, 3, 4. *vide leg. Salic. tit.* 15. §. 2, & 3, & *tit.* 34. §. 3, & 4. *tit.* 43. §. 1. 6, 7, 8. Sed verò, ut plurimum eodem jure potiebantur & Romani & Barbari ſeu *Gentiles*, qui ſimul Gentilium imperio parebant, quod videre fuſius eſt in Edicto *Theodorici* Regis, legibus *Burgundionum* aliisque id genus teſtimoniis.

Title of Gentleman.

cially ſhould have been thought on in the diſquiſition; that is, that the word *Gentilhomme* having been begun in the Provincial tongues out of the Latin, ſhould moſt likely come from ſuch a Latine word as was then in familiar uſe and from ſuch a ſence of that word as was in like uſe alſo. But, *Gentilis* in that antient ſence will not I think be found a very uſual word, neither about the time that theſe Provincial tongues began, nor ſince. Other reaſons might be given againſt it. And *Velſerus* judiciouſly of it; *Alia ſcio originatio eſt* (ſo he ſaies after thoſe words before cited out of him) *à Budæo allata, quanto magis antiquaria & elegans, eo à barbarie ſeculi quo hoc vocabulum uſurpari cœptum alienior.* But that later opinion is more like to truth, both by reaſon of what we find in the ſtories of the times wherein thoſe Northern Nations planted themſelves in the parts of the Empire, as alſo of what continues in moſt of the parts where the word *Gentleman* is uſed from thoſe times till this day. For the ſtories; the occurrences are many wherein both the liberty and profeſſed purpoſe of maintenance of that liberty by the eminent perſons of thoſe Nations, and the great eſtimation of themſelves and their aſſociates (or of them that were *Gentiles*) above the name of *Romans* whoſe ſubjection according to the Imperial Laws, they eſteemed a ſervitude unworthy of their own dignity. Therefore they rebelled and ſlew ſome of their own Princes, only becauſe they would have brought them either into the ſtate of the *Romans*, or under the ſubjection of the Empire. The examples are in that of [c] *Theodatus* eſpecially, *Ataulfus*, and *Sigericus* [d] all Kings of the *Goths*, and ſlain becauſe they endeavoured ſome ſuch thing. Nay *Ataulfus* according to the mind of his free ſubjects, had reſolved to have utterly extinguiſhed the names of the *Romans*, and have called it the *Gothique* Empire, and ſo they uſed the word *Gothia* in ſtead of *Romania*, and the name of *Ataulphus* for *Cæſar Auguſtus*. But he obſerved that the liberty claimed by his *Goths*, and the reſt of the like Nations with them was ſuch as that he could not ſo hope enough quietly to govern them. And therefore he altered his reſolution, chiefly by the perſwaſion of his Queen *Placidia*, a *Roman* Lady and daughter to *Theodoſius* the firſt, aud endeavoured to reſtore the dignities of the *Romans*, and of their Laws in his government, and to be *Romanæ reſtitutionis auctor poſtquam eſſe non poterat immutator*, as *Oroſius* * ſaies of him. But when this purpoſe was diſcovered, he was ſoon murdered as an enemy to their National liberty, which was ſo great alſo that divers of the *Romans* choſe rather to be of their condition, though poor, only for their liberties ſake, than to live as *Romans*, or under the Empire in ſuch a wealthy ſubjection that was ſo toward a ſervitude. *Hucuſque Romani* (ſaith [e] *Iſidor*) *qui in regno Gothorum conſiſtunt, adeo amplectuntur, ut melius ſit illis cum Gothis pauperes vivere quam inter Romanos potentes eſſe & grave jugum tributi portare.* And [f] *Oroſius*; *Barbari execrati gladios ſuos ad aratra converſi ſunt; reſiduoſque Romanos ut ſocios modo & amicos fovent ut inveniantur tam inter eos qui malunt inter Barbaros pauperem libertatem quam inter Romanos tributariam ſolicitudinem ſuſtinere.* It may be hence collected that thoſe Nations were all willing enough to diſtinguiſh their men of any eminency by a general name, in their Provincial tongues, which might moſt fully deny them to be *Romans*. Aud nothing could better do that than *Gentiles* which was then ſo uſed for ſuch as were not *Romans*, and ſo for theſe Nations principally (in expoſition of civil buſineſs) alſo as diſtinguiſhed

c *Jornand. de Reb. Geticis cap. 60.*
d *Iſidor. Chronic. Goth. æra 454.*
* *Contra Paganos lib. 7. cap. 43.*
e *Chronic. Gothorum &c. æra 447.*
f *Hiſt. contra Pag. lib. 7. cap. 41.*

ſtinguiſhed from *Romans*. Of whom yet as many as lived in ſuch eminence with the *Gentiles* as themſelves did, retained ſtill the ſtile of *Nobiles* in their Latin, though they were afterward known alſo in their Provincial tongues by the name of *Gentilhommes* or the like becauſe, out of thoſe reaſons before ſhewed, *Gentilhommes* was become to be a Provincial word for *Nobiles*. Now for what continues to this day, and ſeems at leaſt, to give light here; obſerve the principal priviledges belonging to Gentry in moſt of thoſe places where, the word *Gentilhomme* or the like is uſed, and the name alſo of *Hydalgo* which is a Gentleman in *Spain*, both which may adde ſtrength to that conjecture. The principal priviledges at this day conſiſt in being free from ſuch tribute and taxes as the *Romans* were in thoſe elder times ſubject unto and the chief of the *Gentiles*, or not *Romans*, or thoſe other nations that ſo diſperſed themſelves in the Empire, were out of their national liberty diſcharged of; as if that continuing freedom were alſo a perpetual character of the origination of the name *Gentil* in this ſence fixed on them; which altogether with *Gentilezza* or the like by reaſon of the dignity of them that were ſtiled by it and the fair manners which both in arms and peace, they affected or at leaſt pretended, hath denoted and to this day doth we ſee in theſe tongues, *manſuetus*, *comis*, *liberalis*, *perhumanus*, and ſuch more Epithets and their abſtracts, as may expreſs a noble ſpirit. And for *Hydalgo*; Good autors have ſuppoſed the name originally to be *Hijo d'algodo*, or *Filius Gothi*, or *the ſon of a Goth*, making it thus wholly from the nation where the *Spaniards* are chiefly deſcended. *Gaſpar Baetius*, in his Book *de Inope Debitore Creditori addicendo* [h] ſaies, that *Laurentius Padillia* Archdeacon of *Rando*, and a profeſt hiſtorian in *Spain* told him that he ſaw in the Library of *Malaca* Church a very antient book wherein whereſoever mention was made of *Hydalgo*, it was written *Fijo dalgod*, as if it had plainly meant *the ſame of a Goth*. And as this particular name might be from a particular nation of thoſe Gentiles, ſo it ſeems, for a more general expreſſion, they made alſo their *Gentilhombre* from the general name of *Gentiles*. And as they, ſo other nations that have their Provincial tongues. Neither need we think of it with relation to *England*, otherwiſe than as it came out of the Provincial tongue of *France* to us. Before the *Normans* we had it not. From the French *Gentilhomme* we then made our word Gentleman which was before called Æðel as is already ſhewed. And our *Norman* French calls Gentlemen *Gentils gents* [i] ſometimes alſo, and ſometimes *Gentils* * only. I know ſome fetch it into *France* from the word *Gentiles*, as it occurrs about the declining times in *Schola Gentilium* in *Ammianus* [k] *Marcellinus*, under *Julian* the apoſtata and his nearer ſucceſſors. But I cannot think that ſo narrow a number as the *Schola Gentilium* or any Regiment, or company ſo ſtiled could propagate ſo univerſally through the Provincial tongues ſuch a name for all that were *Nobiles*. Neither perhaps would the author of that fancy have thought ſo, if he had obſerved the ſo extenſive notions of *Gentiles* which are before ſhewed. And for that of *Schola Gentilium*, and *Gentiles* otherwiſe mentioned in *Marcellinus*, in the warrs; there can be no great doubt but that they were only ſome Regiment or Company ſtiled ſo becauſe the chief of them or the moſt of them were or had been *Gentiles* in that ſence as it denoted ſuch as were not *Romans*, according to the uſe of denominating ſuch Regiments and Companies in that [l] time. Some from the honor given to all or moſt or ſome of the chief

Title of Gentleman.

[g] *Leg. Burgund. tit. 26. §. 1.*

[h] *Cap. 16. §. 44.*

[i] *37 Ed. 3 cap. 11.*

* *5 Rich. 2. cap. 5.*

[k] *Lib. 10. & 26. & videſis Paſquier en les Recerches de la France liv. 2. chap 15.*

[l] *Videſis Pancirollus ad Notit. Orientis cap. 33.*

Title of Gentleman. chief of them, as *Comites*, *fælices*; some from their arms wherein they were most exercised, as *Sagittarii* and such more; others from their number distinguished according to the time of their being chosen, as *Primani*, *Undecimani*, *Quarti*; some from the Nations whence they were taken as *Arcades*, *Batavi*, *Persæ*; and so these by the general nature of the several nations out of which they were taken by the name of *Gentiles*. But of these names, thus much.

III. The use of Instruments or Charters by which Gentry hath been given, is very antient in the Empire, of which we first speak here, and then of some of other nations. But let not the common objection be made here, that no Charter can make a Gentleman, which is cited as out of the mouth of some great Princes that have said it. They without question understood Gentleman for *Generosus* in the antient sence, or as if it came from *Gentilis* in that sence, as *Gentilis* denotes one of a noble Family, or indeed for a Gentleman by birth. And to say, that a Gentleman in such a notion may be created, is in it self a contradiction. No creation can make any man to be really of another blood than he is: though yet we have anon an emample of a creation of one to be reputed as if he were of the blood of a Noble house.

The same may be said of *Nobilis* in the antientest sence as it denoted him that had *jus imaginum*, or as it is taken by some Writers [m] of our age while they dispute of Gentry, as if all *Nobilitas* were *Nativa*. And in that sence also is the *Spanish* Proverb to be understood, *El Rey no puede hazer Hidalgo*, or the King cannot make an *Hidalgo*. But we take Gentry here for *Nobilitas*, and a Gentleman for *Nobilis*, as those words have been used since the declining of the Empire, and are obvious to this day in the Feudists aud other Lawyers that write of what concerns this *Nobilitas*, which is *dativa* (as they call it) not *Nativa*, and is then regulary given, when by the Soveraign's favour or of one exercising Soveraign power, as *quis ultra*, as [n] *Bartol* saies, *honestos plebeios acceptus ostenditur*. Though we want not example of a creation by a kind of adoption. Some touch is before in the beginning of this Chapter of the Creation of a Gentleman or *Nobilis* in the Empire. It was at first done by Charter, or *Codicilli honorarii* (we mean done alone; for by commissions of great offices and other employments, it was consequentially also and most antiently, as also by Feuds and otherwise. But of that kind or other like we speak not at all further) in granting the *dignitates vacantes*, or the Titles and Ensigns of great offices without employment, to no other end but to ennoble or put the Grantee into the rank of them that were *Nobiles*. Remember what is already [o] shewed of the *Comitivæ* granted. And of such Grantees there is special mention in that old Law of *Zeno* the Emperor touching the Judges before whom the persons of eminency in the Empire should be questioned in criminal causes. *Viros* [p] *illustres*, *in hac inclyta urbe degentes*, *qui sine administratione* honorariis *decorati fuerint* Codicillis, *licet talem prærogativam nostræ jussionis meruerint ut*, *quod non egerint*, *videantur egisse*, *in criminalibus causis magnificæ tuæ sedis* (he writes to *Arcadius*, his *præfectus Prætorio*) *& illustrissimæ urbicariæ præfecturæ necnon etiam viri magnifici magistri officiorum* (*quoties tamen ad ejus judicium specialis nostræ pietatis emanaverit jussio*) *sententiis respondere decernimus*, *ita ut hujusmodi viri sedendi quidem in cognitionibus dicendis minime*

m *Alberic. Gentilis de Nuptiis lib. 4. cap. 13.*

n *L. 1. C. de dignitatibus.*

o *Supra cap. 1. §. 9. &c.*

p *L. 3. Quoties C. tit. ubi Senatores vel Clarissimis &c. §. 2. & videsis Novel. 70. c. 1.*

minime ſibi vindicent facultatem. And out of this text the Civilians commonly fetch their greateſt and almoſt their ſole teſtimony of the uſe and antiquity of ennobling by Charter in the Empire. And *Hermannus Kirknerus* ſpeaking [q] of the office of a Chancellor; *Quanquam per ſe tam illuſtre Cancellarii officium ſit, ut quod ſuprà declaravimus etiam* nobilitatem *ei, qui ipſum adminiſtrat ſemper tacitè conferre intelligatur; eſt tamen & antiquis* Cæſarum *imperiis, nobilitandi benè meritos præmioque dignitatis atque honoris excellentiore afficiendi eos qui tum in hoc tum in aliis muneribus verſati fuerint conſuetudo obſervata & à temporibus* Zenonis *in* Romana *republica retenta.* But there is a whole Title *de Honorariis Codicillis* in *Theodoſius* his Code (wherewith the Civilians do ſeldome conſult) and ſome Laws that ſhew the uſe of thoſe *Codicilli*, as antient as *Conſtantine*, about CLX years before *Zeno.* *Si quis* (ſaith [r] he) *judicio noſtro ſe adeptum codicillos adſtruxerit, & idem vel ſuprema codicillorum impreſſio vel Scriptura adſtipuletur interior, tamen ſi ad hoc pecuniam conſtabit ſpectatam, nihilominus rejectus in plebem, quo plus extorquere conatus eſt, abdicetur. Hos enim ſolos, qui intra Palatium verſati ſunt vel adminiſtrationibus functis ad Honores excipi oportebit, cæteris functis exemptis & ſuis reſtitutis.* Divers other Laws are in that title concerning theſe Charters of honor or of *ennobliſhment.* But the Nobility thus gained (in reſpect of that other which was from real and not fained employment) was about that time of *Conſtantine* ſlighted by the name of *umbra* and *nomen* [s] *dignitatis* only, though afterward by the Laws of other Emperors (eſpecially I think, of about *Gratian* and [t] *Valentinian*) theſe *dignitates codicillariæ*, as they were alſo [u] ſtiled, became to be and continued afterward of much better reputation. About the ſame time alſo the Emperors would ſometimes by Patent give the dignity of the *Ordo Equeſtris*, as *Conſtantine* the younger, and [x] *Julian* gave it to all the *Navicularii.* But at this day and in thoſe ages that have paſſed ſince Arms have been frequently hereditary, this kind of ennobling in the Empire, ſaith *Kirknerus*, is by giving of Arms, together with the priviledges belonging to Gentry, *per inſignium & armorum uti vocant, collationem, conceſſis unà privilegiis ordini uſitatis.* Theſe are limited to the heirs of the body uſually. And the Charter or Patent they therefore call a **wapenbzeiff**, as if you ſhould ſay *a grant of Arms.* And how the power of this kind of ennobling belongs to the Princes of the Empire or to others that have the power given to them, ſee the collections eſpecially of [y] *Nolden*, and what occurrs before in the Patents of Creation of Counts Palatin. Forms of Patents of ennobling by the Emperors, in the later ages, you may ſee eſpecially in the Hiſtory *di Caſa Monaldeſca*, written by *Alonſo Cecarelli.*

Title of Gentleman.

q *De officio & dignitate* Cancellarii *lib.4. cap.5.§.9. &c.*

r *C.Theodoſ. lib.6.tit.21.l.1*

s *L.2.ibid.*

t *L.4.&5.ib.et l.15.lib.13.tit. 5.*

u *L.-.C.Theod. lib.6.tit.21.*

x *L.7.C.eod. lib.13 tit.5.*

y *Synoptic. tract.de Nobil. cap.2.& vide eum cap.4.*

For the Popes power alſo exerciſed in ennobling or making a Gentleman, we obſerve here only that of *Petrus Rebuffus* a great Lawyer of *France*; *Item nobilitare poteſt Papa* (ſaith [z] he) *& ſeculares Principes, unde cum in fundatione caveatur, quod nullus niſi nobilis recipiatur, poterit Papa creare impetrantem nobilem ad effectum obtinendi beneficium, ſicut videmus de Canonico ad effectum habendi dignitates in §. fide Reſervat. in Concord. vel, non obſtante fundatione iſti concedere; & ita frequentiùs fit. quod vix ſuſtinerent Canonici S.* Joannis Lugd. *aut* Briodi *in* Arvernia. But the moſt eſpecial form of Creation of a Gentleman in the Empire (I take *Italy* here, as before, for part of the Empire) is in that form which I find in *Salluſtius Tiberius à Cornetto*, his Formu-

z *Praxis Beneficiaria part.3. pag.264. Lugdun. 1620.*

lary

Title of Gentleman. [a] *Formular. lib. 3. pag. 382. Edit. Romæ 1621.*

lary of Inſtruments according to the ſtile of the Court of *Rome*, where the greater part of a Gentle Family aſſembling [a] themſelves do, by conſent, as it were adopt a Stranger that hath well deſerved of them to be of their Family, as if he were deſcended by a male from among them, and ſo create him a Gentleman to be reputed *de domo & agnatione ipſorum*, and grant him alſo their Arms, and limit the whole honor to him and the heirs of his body. It is titled

Creatio alterius de aliqua nobili Domo.

ILluſtres & Nobiles viri DD. A.M. & N. *omnes de nobili familia & agnatione de* N. *convocati, & congregati in loco infraſcripto, & infraſcriptorum occaſione, aſſerentes ſe repræſentare majorem & ſaniorem partem ipſorum Nobilium de* N. *& quod ad præſens non eſt alius ex ipſis Nobilibus qui ad infraſcripta commodè intervenire valeat, et nihilominus pro aliis Nobilibus abſentibus de rato, & ratihabitatione promiſerunt, & quatenus opus fuerit præſens Inſtrumentum et omnia contenta in eo ratificabunt, approbabunt ad omnem ſimplicem requiſitionem infraſcripti* D. P. *etiam per publicum Inſtrumentum cum clauſulis, & ſolemnitatibus debitis et opportunis, alias &c. & dictis reſp. & nominibus conſiderantes, et attendentes eximias virtutes & immenſa benemerita & obſequia* D. P. *qui retroactis temporibus ſe promptum et facilem reddidit, & obſequioſum pro prædictis nobilibus et augmento honoris Domus, & agnationis prædictæ, perſonam, virtutes ſuas, ac induſtriam diverſimodè exercendo et occupando; volentes præfati Nobiles* D D. *de* N. *quibus ſupra nominibus aliquali recompenſatione illorum et amoris ſui* offenſione eum ſublevare, et ſeſe obſequioſos illi reddere, ne vitium ingratitudinis ullo unquam tempore eis aſcribi valeat, & ut etiam ipſe* D. P. *de cætero animoſior reddatur ad idem perſeverandum, habito prius ſuper præmiſſis inter eos, ut aſſeruerunt, colloquio, & tractatu ſponte, &c. omnibus melioribus modo &c. unanimitèr et concorditèr* dictum D. P. *ibidem præſentem et gratioſe acceptantem, et* quoſcunque ejus deſcendentes, & deſcendentium deſcendentes *uſque in perpetuum fecerunt conſtituerunt et creaverunt, ac faciunt, conſtituunt, et* creant de Domo, agnatione & familia de N. *ita ut de cætero dictus* P. *et ejus deſcendentes, ut ſupra, ſint et eſſe debeant, et intelligantur, ac habeantur, teneantur, tractentur, et reputentur, et nominentur &c.* haberi, tractari, vocari, & reputari debeant ubique locorum de Domo & agnatione ipſorum Nobilium de N. ac ſi originarius ex dicta domo & agnatione natus & procreatus ex ipſis Nobilibus,

* L. offenſione.

&

& ex alicujus ex eis corpore in lucem productus per lineam masculinam, ac si esset verè & naturalitèr ex dicta domo & agnatione ex corpore alicujus ex eis procreatis per lineam masculinam legitimam, & naturalem, *ut supra, absque alio medio in tantum quod de cætero, et perpetuis futuris temporibus ipse* P. *et ejus descendentes ut supra, infinitum possint, et valeant, et eis liceat ubique locorum* deferre Arma, & Insignia ipsorum Nobilium de N. *et agnationis sub forma infrascripta videlicet &c.* [Hic ponatur Scutum præfatorum Nobilium de N.] *Quæ omnia et singula &c. Pro quibus &c. jurarunt tactis &c. super quibus & c. Actum &c. præsentibus* N. *et* N. *testibus &c.* *Title of Gentleman.*

IV. The Forms of ennobling in *France*, appears in the Edicts and Ordonnances of that Country, and the stile or Protocolle of the Chancery there. For the purpose; *Henry* the third, in 1576, first reciting in an Edict[b] that the Nobility of the Kingdom was much diminished (which because of the preservation of Military Forces there, consisting in the Nobility or Gentry, was necessary to be repaired) and that he was advertised that divers persons being not noble, or *Roturiers*, were of such vertue and quality as that they deserved to be honoured with the title of Noble, *moyennant quelque honneste secours en deniers comptans en l' urgent necessite de noz affaires & finances telle que chacun scait*, shews that he had took it into deliberation with the advice of the Queen Mother and divers Lords of his Counsel, and by their advice had resolved to ennoble, and by this his Edict did ennoble in divers parts of *France* a certain number of persons contained in a Roll or Volume made of them. *Avons*, saith hee, *de noz certain science, plein puissance & auctorite Royale, par cest edict perpetuelle & irrevocable annobly & annoblissons es provinces & generaltez establis à* Paris, Roan, Caen, Amiens, Chaalons, Tours, Bourges, Poyters, Lyon, & Orleans *le nombre des Personnes conteine au rolle & cayer sur ce fait*, and that they and their children born in wedlock should enjoy all honors, priviledges, preheminences, prerogatives, franchises and immunities that other Nobles of the Kingdom enjoyed, that they might freely also purchase and possess all Noble *fiefs*, and be free *de noz tailles, creve, taillon, aides, equivalent, & toutes autres impositions qui se levent à present on seront cy apres imposez per form de taille*; provided always that they and their children lived Noblely and without any thing[c] that might derogate from Nobility or Nobless as they call it, with this, that every of them pay a finance for the present according as by Commission they should be taxed (but for this once only) by the contributary lands which they before held. This Edict was read, published and registred in the chamber of Accompts in the presence of the *Procurèur* general who consented to it, for the number only of one thousand to be thus ennobled; and with this, that every of them should sue out particular letters of ennoblishment to be presented in the Court (letters of ennoblishment are there by the Law to be presented) by the eighteenth of *June* following in which month the Edict is dated. Some other Edicts of the like kind are in their Laws, as one especially for the ennobling of divers persons in the

b *Edict. & Ordon. tom. 3. tit. 5. §. 7.*

c See, for the Gentry of *France*, and exercising merchandise (besides the common Writers of Gentry) *Trajan. Boccalini, Ragugl. Cent. 2. Rag. 39.* and of the Nobless of *France*, *Code des Decisions liv. 12. tit. 2. Rebuffus in Praxi Beneficiaria part. 3. p. 294.*

Title of Gentleman.

[d] *Edicts & Ordon. tom. 3. tit. 5. §. 8.* That Title is *de la Nobleſſ. & actes derogeans a ycelle*, where more particulars are of the Gentry of *France*.

the Duchy of *Bretagne* [d] wherein there is a proviſion that the reſt of the Roturiers or the like, be not the more charged with taxes and impoſts becauſe they that were ennobled were diſcharged, but that the Receivers ſhould take only the former rates of them. But the form of particular letters of ennobliſhment are in the ſtile or Protocolle of the Chancery where we have examples both of them without paying any finance, and of them with finance paid according as thoſe Edicts ſuppoſe. For indeed the King there loſes ſo much, by diſcharging one that he ennobles of all taxes and impoſts, that it is reaſon enough that a good finance ſhould be paid for it; and therefore without a ſpecial diſcharge from the King, the finance of common right is due and to be aſſeſſed by *meſſieurs de la chambre des comptes*, or Treaſurers of *France*, as the Protocolle ſaies. A Form of an ennobliſhment without paying a finance we tranſcribe here out of that Protocolle or ſtile of the Chancery there;

LUdovicus &c. *probitatis merita, nobiles actus, geſtuſque laudabiles, et virtutum inſignia quibus perſonæ decorantur et ornantur, merito nos inducunt ut eis juxta opera Creatoris propria exempla tribuamus, et eos, eorumque poſteritatem, favoribus congruis attollamus, quatenus hujuſmodi prærogativa ipſi lætentur cæterique ad agenda quæ bona ſunt ardentius aſpirent et ad honores, ſuffragantibus virtutum bonorumque operum meritis, adipiſcendos alliciantur et advolent. Notum igitur facimus tam præſentibus quam futuris quod attentis vita laudabili, morum honeſtate, fidelitate, et aliis quamplurimis virtutum generibus quæ in dilecto noſtro* N. *nonnullorum fide dignorum teſtimonio novimus ſuffragari, pro quibus non immerito ſe nobis gratum quamplurimum et acceptum reddidit; Nos ipſius perſonam honorare volentes ſic quod toti poſteritati ejus et proli perpetuum creſcere valeat ad honorem, eundem* N. *liberæ conditionis, cum tota ejus poſteritate et prole utriuſque ſexus in legitimo matrimonio procreata et procreanda ac eorum quemlibet de noſtræ Regiæ plenitudine poteſtatis et gratia ſpeciali* nobilitavimus & nobilitamus *per præſentes* nobileſque facimus *et habiles reddimus ad omnia et ſingula quibus cæteri* nobiles *regni noſtri utuntur ac uti poſſunt et conſueverunt. Itaque ipſe* N. *ejuſque proles et poſteritas maſculina in legitimo matrimonio procreata ac etiam procreanda*, quandocunque & à quocunque milite voluerit, valeat cingulo militiæ decorari. *Concedentes eidem* N. *ejuſque poſteritati ac proli univerſæ ex ipſo in legitimo matrimonio procreatæ et procreandæ quod ipſe et eorum quilibet in omnibus et ſingulis actibus, rebus, et locis, et rebus in judicio et extra, non* ut ignobiles ſeu plebei, *ſed* pro Nobilibus *et* ut nobiles *habeantur, ab omni-*

bus

bus de cætero teneantur, ac imperpetuum censeantur quibuslibet- Title of
que nobilitatibus ac juribus universis, privilegiis, prærogativis, Gentleman.
franchisiis universis et singulis quibus cæteri nobiles *dicti regni nostri gaudere possunt plenarie, pacifice, libere et quiete utantur et imperpetuum potiantur. Et quod ipse* N. *ejusque proles et posteritas in legitimo matrimonio procreata et procreanda* Feuda *et* retrofeoda Nobilia aliasque possessiones nobiles *quæcunque sint et quacunque præfulgeant auctoritate seu* nobilitate, *libere tenere et possidere acquisita et jam habita per eum ejusque posteritatem et prolem hactenus et etiam in futurum acquirenda et habenda perpetuo retinere et habere licite valeant atq; possint ac si fuissent et essent* ab antiquo & originaliter nobiles *et à personis* nobilibus ex utroque latere procreati: *absque eo quod ea vel eas vel aliqua eorum in parte vel in toto vendere seu extra manus eorum ponere nunc, vel quomodolibet in futurum cogantur. Nec* finantiam *qualemcunque hac vice seu alias solvere teneantur. Quamquidem finantiam intuitu servitiorum &c. per præfatum* N. *multipliciter diuque impensorum et quæ non desinit impendere aliisque de causis nos moventibus, donavimus et quittavimus, donamusque et quittamus de gratia speciali & autoritate regia per præsentes eidem* N. *suæque posteritati ac proli natæ et nascituræ. Quapropter dilectis et fidelibus nostris gentibus Compotorum nostrorum ac cæteris Justiciariis et Officiariis nostris nec non quibuscunque Commissariis ad prædictas finantias exigendas deputatis aut deputandis et cuilibet ipsorum pront ad eum pertinet et poterit quomodolibet pertinere, præsentium tenore damus in mandatis quatenus eundem* N. *et ejus posteritatem et prolem utriusque sexus in legitimo matrimonio procreatam ac etiam procreandam nostra præsenti nobilitatione, donatione, et aliis præmissis uti et gaudere faciant et permittant pacificè et quietè nec ipsis aut eorum quemquam, contra præsentium tenorem, ullatenus inquietent seu inquietari aut molestari à quocunque permittant nunc vel in futurum, ordinationibus, statutis, editis, inhibitionibus, revocationibus, et mandatis in contrarium factis vel fiendis, Non obstantibus quibuscunque quod ut firmum &c. Nostro &c. Datum &c.*

The Privileges by which Gentlemen are made in *Spain*, as also for the rest that belongs to their *Hydalguia* or principal Gentry, I refer you chiefly to that *summa Nobilitatis Hispanicæ* of *Joannes Arce ab Otolora*, and to the sixth book of the *Recopilaçon* of the Laws of *Spain*, *tit. 2. de los Hijos Dalgo* with *Alphonso de Azevedo* his Commentaries upon it, *Io. Garcia de Nobilitate*, *Guardiola* of the same subject, *Joseph de Sesse*, *Decis. Aragon* 1, *&c. Armendariz* in the Laws of *Navarre*, *lib.* 2. *tit.* 7.

Title of Gentleman. the ſecond book *das Ordenaçiones* of *Portugal*, *Caſtillo de Bonadilla* in his *Politica Para Coragidores lib.* 1. *cap.* 4. Where alſo you have a moſt copious enumeration of teſtimonies concerning that ſubject. Adde to theſe *Gaſpar Baetius lib. de Inope debitore Creditori addicendo capite* 16. §. 34. *&c.* Where alſo he diſputes how far a Gentleman of one Country is to be admitted to be ſo in another. See alſo before Chap. IV. §. 7, & 8.

V. For *England*; ſomething of the form of ennobling or making a Gentleman by the King's Charter appears before where we ſpeak of Eſquires. *John de Kingſton* is there raiſed to the ſtate of a Gentleman. And other of like nature are. *Henry* the ſixth, by the word *Nobilitamus* creates *Bernard Angevin* a *Burdelois*, [e] a Gentleman, and gives him Arms, for him and his heirs of his body, or his Deſcendents; as alſo *Bernard* [f] *de Guares* a *Norman*. And in the Rolls, their Arms are painted and expreſt alſo in blazon. Other more ſuch are; ſome by the Kings themſeves, ſome by ſome Kings of Heralds thereunto authoriſed. And for an example of later time, we have this upon the Rolls to a *Hollander*, granted by King *James*.

e Rot. Vaſc. 23 Hen. 6. m. 7. n. 3.

f Rot. Vaſc. 24 Hen. 6. m. 6. n. 3.

g Rot. Tractat. Amicitiarum tempore Jacobi Regis in Cancellaria.

JAcobus *Dei* g *gratia Magnæ* Britanniæ, Franciæ & Hiberniæ *Rex fidei Defenſor &c. univerſis & ſingulis præſentes literas inſpecturis Salutem. Quemadmodum Reges & Principes nil magis decet aut Regiæ Majeſtatis celſitudinem plus coruſcare aut ſplendeſcere facit quam benemerentes condignis remunerare beneficiis & eoſdem honoribus proſequi, cumque notiſſimum nobis ſit dilectum & fidelem noſtrum* Jacobum Alblas *Villæ noſtræ de* Brill, *in partibus* Hollandiæ, *Burgomagiſtrum, proventum publicorum Theſaurarium, & rerum in pios uſus deſignatarum Queſtorem optime de nobis meritum, atque ſubditis per multa præclara officia ſe amantiſſimè præſtitiſſe ſummumque amorem & obſequium promptum erga eoſdem aſſidue pro totis viribus ſuis continuare & ut ſperamus continuaturum. Nos igitur ne tanti obſequii amoris et benevolentiæ erga nos ſubditoſque noſtros immemores videamur, conſiderantes etiam intimeque contemplantes officiorum & Magiſtratus dignitatem quæ tam per ſeipſum quam per Progenitores ſuos continuata ſerie jam à diu geſta fuerunt, cupienteſque tam ſui ipſius honorem ampliare quam poſteris ſuis honorificum inde teſtimonium relinquere, eundem* Jacobum Alblas, *tanquam benemeritum & nobis gratum tam pro ſe & liberis ſuis jam procreatis quam in legitimo Matrimonio impoſterum procreandis & deſcendentibus, Nobilitamus & ipſos Nobiles facimus & creamus ac in hujuſmodi nobilitatis ſignum ipſi* Jacobo *& hæredibus de corpore ſuo hæc gentilitia ſive honoris inſignia dedimus & conceſſimus, & per præſentes damus & concedimus una cum libertatibus, privilegiis, immunitatibus,*

tatibus, juribus, insigniis, Nobilibus debitis & consuetis; videlicet in Campo Argenteo duas Bendas undatas de azurio & super Cantonem rubeum unam Anchoram auream cum fimbria argentea & Carduis Scotiæ *adornatam. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud* Westmonasterium *secundo die* Augusti, *Anno Regni nostri octavo.* Title of Gentleman.

G. Carewe.

And in all examples of our Charters of ennobling, Arms are given, as a perpetual and necessary concurrence with Gentry. Touching which I adde here only this observation out of that proceeding under *Henry* the fourth in the Court of Chivalry between *Reinold* Lord *Gray* of *Ruthin* plaintiff, and Sir *Edward Hastings* defendant; concerning the bearing of the *Munch* Gules in a field Or which is born by the Earl of *Kent* at this day, as heir to that Lord *Ruthin* (by the name of Lord *Hastings*) that whereas by the Interrogatories to be ministred to the witnesses produced on either part, the conditions of the persons, whether Gentlemen of blood or not, what Arms, and the like were to be answered unto, some of them say that they are Gentlemen of blood and yet have no Arms, the like whereof or any thing of that nature I have not elsewhere observed. One *John Boteler* of the County of *Bedford*, having been a servant to the Father of the Plaintiff, saies, [h] *qu'il est Gentilhome mes nad my armes & poet despendre en le Counte de* Bedford X *li. per an.* So *Roger Tunstall* Major of *Bedford*, having been likewise servant to the Plaintiffs Father; *q'il est Gentilhome d'aunceſtrie & poet bien despendre per an en la Counte de* Bedford XX marks, *mes nad point d'armes come il dist.* And *William Parker*, that he is a Gentleman *d' anceſtrie & n'ad pas d' armes & riens poet despendre par an ne riens ad dount vivre sinon son service. Thomas Lounds* likewise, *q'il est Gentilhome d'aunceſtrie mes nad my armes come il dist.* These depositions were taken in the Motehall at *Bedford*, by [i] Commission from *John Fils du Roy* Constable of *England* and *Gardein* of the *Eastmarch* towards *Scotland* (for that stile he used; he was third son to *Henry* the fourth) to Sir *Oliver Maleverer* Knight-Marshal, Master *William Bildeston* Clerk an assessor of the Court of Knighthood, and *Richard Vaux* Register of the same Court, Dated the nineteenth of *May* in the ninth of *Henry* the fourth. But in summ, that of *Albericus Gentilis* is ever observable in this matter of Gentry; *In Nobilitatis vocabulo* (saith [k] he) *censendo sequi locum debemus, ubi de ipso & ipsius re quæritur.* And he adds for example, *Ecce in Anglia Nobiles censentur qui vel hodie de Plebe sunt educti ad dignitates veluti Baronias & Comitatus.*

h *Hen. 4. Ms. in Tabulario H. Nobilissimi Comitis Kantii fol. 39. a. 46. a. 41. a. 46. Respondetur Interrog. 37. quod habetur pag. 29. a.*

i *Ibid. pag. 24. b*

k *De Nuptiis lib. 4, cap. 13, ubi de Nobilitate ille fusius & docte.*

Of Women.

CHAP. IX.

I. *Of Feminine Titles; and of the Creation of a* Ducheſs, Marchioneſs, Counteſs, Vicounteſs, *and* Baroneſs *in* England.

II. *Of the* Communication of Titles *of honour* to women *from their* Huſbands, *and of enjoying ſome as* Conſequents *only of the dignity of their* Huſbands *or* Parents. *The title of* Lady, *or* Domina.

III. *Of the hereditary* tranſmiſſion *of titles of Honour to* Heirs *of either ſex.*

IV. *Of* Tranſmiſſion *of them by* Aſſignements *or grants.*

V. Tranſmiſſion *of them by the very* poſſeſſion *of the* Feuds *to which they have been annexed.*

WHat hath been hitherto ſaid touching theſe dignities, chiefly concerns them as they are Maſculine only. We reſerved till now thoſe of the other ſex which have (according as the Laws of ſeveral Nations permit them) the moſt of thoſe Dignities in feminine terminations; As Princeſs, Ducheſs, Marchioneſs, Counteſs, Vicounteſs, Baroneſs, and what elſe is or hath been a dignity either originally Feudal or merely honorary, excepted ſuch as have ſo perſonal a relation to Arms, as that women are not capable of them, as thoſe of Knights, as alſo the Engliſh Title of Baronet, wherein what intereſt this ſex hath, appears enough in the Patent that makes it, which is before at large inſerted. Of feminine Titles, ſome are immediately Created in Women, ſome are communicated by their Huſbands, others are Tranſmitted to them from their Anceſtors, and ſome alſo are Given to them as Conſequents only of the dignity of their Huſbands or Parents. And firſt of thoſe that are immediately created in them.

I. The form of the Letters of Creation of a Ducheſs in *England* (for herein we ſhall uſe only Engliſh examples, being not furniſhed with the like of other Nations, although their ſtories are full enough of theſe feminine titles) we have in that of *Richard* the ſecond's Creation of *Margaret* Counteſs of *Northfolk*, into the Title of Ducheſs of *Northfolk* for life, wherein [a] the Inveſtiture is mentioned in the Patent to be by putting on her a Cap of Honor. But the truth is, that there was no Ceremony of Inveſtiture uſed at the delivery of the Patent which was ſent to her by the King ſitting in Parlament. And that in the Parlament Roll is ſuppoſed to be her Creation. The words of that Roll are, that the King *en plein Parlament, en abſence du dit Counteſſe ad fait & crees meſme la Counteſſe en Ducheſſe, & luy ad dones le ſtile, title, honor & noun, de Ducheſſe de Norff. a avoir pur terme de ſa vie. Et ſur ceo luy envoya ſa Chartre de la creation ſuſdite.* The form of the Charter was thus.

[a] *Cart. 21 Rich. 2. membr. 12. num. 18.*

REX *&c. Inter cætera Regni inſignia & ſollicitudines varias Regiis humeris incumbentes, noſtræ providentiæ ratio arbitratur quod potiſſime firmat Regale ſolium, effluens*

effluens à Juſtitia condigna præmiatio Meritorum. Ibi namque continuè virtus creſcit & colitur, ubi à debito ſibi præmio non fruſtratur. Cum igitur Honor ſit virtutis præmium, conſtat quod virtuoſis & ſtrenuis ex Regali Juſtitia debentur faſces honorum & præmia dignitatum, quæ utique ſi dignis conferantur, non debent ſimpliciter æſtimari donum ſeu exhibitio favorum, ſed potius debita recompenſatio meritorum. Hæc ſane in Regiæ Celſitudinis armario revolventes, attendenteſque nobilitatem & geſtum laudabilem quos in illuſtri & præclara Conſanguinea noſtra Margareta *Comitiſſa* Norff. *quæ ex proſapia Regali propagata, tam propinqua Conſanguinitatis linea nos attingit, & quæ juxta innatam ſibi Nobilitatis affluentiam, cariſſimo Domino* Edwardo *nuper Regi* Angliæ, *avo noſtro, dum ageret in humanis, et nobis poſt coronationem noſtram ſe ſemper obſequioſam exhibuit et devotam, onera et expenſarum profluvia pro ipſo avo et nobis ac aliis Magnatibus generoſis dicti Regni noſtri ſubeundo, rerum et facultatum ſuarum diſpendio &c. conſpicimus, & volentes proinde perſonam ipſius Comitiſſæ juxta claritatem generis ſui ac morum ſuorum merita peramplius honorare, de aſſenſu Prælatorum, Ducum, Magnatum, & aliorum procerum & communitatis regni noſtri* Angliæ *in inſtanti Parlamento noſtro apud* Weſtmonaſterium *convocato exiſtentium, ipſam Comitiſſam in Duciſſam* Norff. *cum titulo, ſtilo, ac nomine ac Honore eidem debitis præfecimus ac inde præſentialiter per appoſitionem Cappæ ſuo capiti inveſtimus in præmium eximiæ virtutis ſuæ & attinentiæ prædictarum, habendum & poſſidendum ſtilum, titulum, nomen et honorem prædicta præfatæ Duciſſæ ad totam vitam ſuam; et ut ad exaltationem nominis, ſequatur augmentatio facultatum, cum ſemper honoribus onera ſint annexa, de aſſenſu prædicto dedimus et conceſſimus ac tenore præſentium damus et concedimus eidem Duciſſæ quadraginta marcas percipiendas ſingulis annis ad totam vitam ſuam ad Scaccarium noſtrum ad terminos Paſchæ et S.* Michaelis *per æquales portiones imperpetuum, His teſtibus, Venerabilibus patribus R. Archiepiſcopo Eborum* Angliæ *primate,* R. London. Willielmo Winton. E. Exon. Cancellario noſtro Epiſcopis, Johanne Aquitaniæ *et* Lancaſtriæ, Edmundo *Eborum Ducibus,* Albredo Oxon. Henrico Northumbriæ *Comitibus,* Rogero Walden *Clerico Theſaurario noſtro,* Guidone Mone *Cuſtode privati Sigilli noſtri et aliis. Datum per manum noſtram apud* Weſtmonaſt. XXIX *die Septembris.*

Per ipſum Regem in Parliamento.

Of Women.

The

Of Women.

The words of the self same preamble, to *recompensatio meritorum*, was in Creations of the Dukes that were then also made. Those that are remembred before *Chap.* 5. §. 29.

For a Marchioness; the Lady *Anne Bullein* (afterward wife to *Henry* the eighth) by the name of *Anne Rochford*, being eldest Daughter to *Thomas Bullein* Earl of *Wiltshire* and *Ormond* and Viscount *Rochford*, was created Marchioness of *Pembroke*. The words of the [b] Patent are ——*in* Marchionissam Pembroke *assensu Nobilium inibi existentium præficimus, creamus & investimus, necnon nomen, titulum, statum, stilum, honorem, autoritatem & dignitatem* Marchionissæ Pembroke *eidem Annæ damus & concedimus per præsentes, ac etiam de nomine* Marchionissæ Pembroke, *cum titulo, stilo, honore, autoritate, & dignitate cæterisq; honoribus eidem appendentibus & annexis*, per Mantellæ [c] inducionem & Circuli aurei in capite appositionem, *ut moris est, realiter investimus*; the estate limited to her and the heirs males of her body to be begotten, with twenty five pound yearly for Creation mony. And another Patent [d] was given her the same day for her place and precedence, which, in the Record, is very observable.

[b] *Pat.* 24 *Hen.* 8. *part.* 1. *K. Septemb.* 1.

[c] *Induitionem.*

[d] *Ibidem.*

The Title of Countess was given by King *James* to the Lady *Mary Compton*, Mother to the late Duke of *Buckingham* the now Wife of Sir *Thomas Compton* Knight, whom he created Countess of *Buckingham* for her life, by general words of *præficimus, creamus, insignimus &c.* but without any particular clause of formal investiture, which yet was, it seems, so considered of in the draught, that a special grant with a *non obstante* is added in the close of the Patent in these words; ——*volumus ac per præsentes pro nobis & hæredibus & successoribus nostris ex ampliori gratia nostra speciali concedimus præfatæ* Mariæ *quod hæ literæ nostræ patentes vel irrotulamentum earundem sufficientes & effectuales sint in lege ad ipsam Marciam durante vita sua naturali titulo, statu, dignitate & honore* Comitissæ B. *insigniendam, investiendam, & realiter nobilitandã, & hoc absq; aliquibus vesturis, ritibus, ornamentis, aut ceremoniis quibuscunq; in hac parte debitis & consuetis, quas propter quasdam causas, nobis melius cognitas, debito modo peragere & præstare non potuimus, aliqua ordinatione, usu, consuetudine, ritu, ceremonia, præscriptione aut provisione in hujusmodi honoribus conferendis debita, usitata, habenda, fienda aut præstanda, aut aliquo alio in contrarium inde non obstante. Eo quod expressa mentio &c. In cujus &c. T. R. apud* Westmonasterium, 1. *die Julii.*

[e] *Pat.* 16 *Jacobi R. part.* 11. *num.* 10.

Per ipsum Regem.

The example of a Vicountess created, is in that of the Lady *Finch* made Vicountess of *Maidstone* by King [f] *James*, to her and the heirs males of her body, with a special clause that such her heirs males should have voice and place in Parlament, *& inter alios Vicecomites, & ante Barones, ut Vicecomites* **Maidstone**; But see in the Rolls, Her Patent of Creation since made to her also of the Title of Countess of *Winchelsey*, for an example of feminine Creations.

[f] *Pat.* 21 *Jacobi part.* 8. *num.* 4. *Julii* 8.

And for the title of Baroness setled by a mixture of Creation and restitution, see the example of the Baroness *Le Despenser* in the time of King *James*, and the Baroness *Ogle* in the time of his Majesty that now is.

II. The communication of Titles to women, we see in wives that have

have the feminine of what their husbands are, which is according to the antient Laws of the Empire; as, *Fœminæ* [g] *nuptæ clarissimis personis clarissimarum personarum appellatione continentur.* And *Consulares fœminas dicimus Consularium uxores*, says *Ulpian.* And *Nuptæ prius Consulari viro*, saith he, *impetrare solent à Principe, quamvis perrarò, ut nuptæ iterum minoris dignitatis Viro, nihilominus in Consulari maneant dignitate ut scio* Antoninum Augustum, Juliæ Mammææ Consobrinæ *suæ indulsisse.* That of the Emperors *Valentinian, Theodosius* and *Arcadius* belongs also to this communication of Titles; *Mulieres* [h] *honore maritorum erigimus, genere nobilitamus &c.* Such more are obvious, and agree for the most part with the customs of the present states of Christendom. But for the question whether or how far these dignities so communicated continue after the death of the husbands, see the Laws cited in the margin and *Novell.* 22. *cap.* 36. with the Doctors on them and others that dispute it in their Tractats *de Nobilitate*; Add unto them *Jo. Boscheus lib.* 7. *de Nuptiis, Franciscus Capiblancus super Rubrica de Baronibus & eorum officio* §. 42. and the rest there cited. For *England, Acton's* case, in the new Reports *part.* 4. *fol.* 118. *b.* the Countess of *Rutlands* case, *part.* 6. *fol.* 53. *b.* 6 & 7 *Ed.* 6. *Dyer fol.* 79. *b. Temp. Mariæ Reginæ Brook, tit. Nosme* 69, & 31. and for *France, Code des decisions Forenses en la France, liv.* 12. *tit.* 2. *decis.* 7. *&c.*

Of Women.

g *ff. tit de Senatoribus l.* 8. *vide item l.* 1. & 12. & *tit. ad Municipalem l.* 22 & *C. tit. de Nuptiis l.* 10.

h *L.* 13. *C. de Dignis & l ult. C. de Incolis & videsis Novell.* 105. *cap.* 2.

By titles attributed to that sex by *Consequent* only of those which are in their parents or husbands, we mean that of Lady given, with us, to Knights wives and Baronets wives, although the masculine of it Lord, be not in their husbands. Of the same kind for matter of consequent only is the title of Lady attributed to all the Daughters of Earls and of all Dignities above them. But by custom, which makes the rule in all civil matters, the Ladies that are Knights wives are in conveyance for the most part stiled Dames, and other Ladies only of greater honor, Ladies, which we see is a title much more frequently given with us to this sex than Lord to males Some such or greater indulgence of that kind was in the old Empire to that sex. For although the word *Domine* were in that notion wherein it belonged properly to Salutation used frequently without expressing the name of the person saluted, as *Domine frater* also in *Apollinaris*, and in like sort as our word *Sir* is at this day, *Signior*, and the like (where we express nothing of honor but salutation or compellation only, as also *Adoni* and *Rabbi* was, which signifies but the same, among the *Jews*) yet the word *Domina* was given to women for a special note of honor to them. *Scævola* remembers it in this part of a Will which he cites; *Peto* [i] *à te, Domina uxor, ne ex fundo* Titiano *partem tibi vendices.* The same Lawyer hath another piece of a Will wherein the husband speaks thus to his wife; *Domina sanctissima,* [k] *scio te de amicis meis curaturam, ne quid hic desit.* And of another, *Uxori suæ* (saith he) *testamento* [l] *ita legatum est*, Sempronia *Dominæ meæ hoc amplius argentum balneare.* And in one of the *Novels*, concerning the solemnities of marriage, *Justinian* finding fault with such as without those solemnities lived together as man and wife, says that it was come to such a pass that witnesses were ordinarily subborned who would swear [m] ὅπ Κυρίαν ἐκάλεν τὴν συνοικοῦσαν ὁ ἀνὴρ, κἀκείνη τὸν ἐμοί· ὡς ὀνόμαζε· καὶ ὅτως αὐτοῖς πλάττεται συνοικεσία καὶ μὴ ταῖς ἀληθείαις συζώντα, which in the Latin is *quia vir vocabat Mulierem cohærentem, & ista illum similiter nominabat; & sic eis finguntur matrimonia non pro veritate confecta*; I understand it, that the man called the woman or the Lady or Κυρία (under

i *L.* 51. *uxoresff. de leg. & fidei commiss.* 3.

k *L.* 19. *Titia ff. de Annuis leg.* §. 1.

l *L. ult. Medico ff. de auro argento &c.* §. 1.

m *Auth.* 74. *cap.* 4.

Of Women.

der which name alſo the ſecond Epiſtle of S. *John* is directed to a woman) wife or συνοικεσια, and the woman likewiſe called him συνοικεσια or [n] huſband, and ſo they framed up marriages that in truth were none. Here alſo Κυεια or *Domina* is uſed abſolutely for a woman in the third perſon, *Dominus* being not ſo (as far as I remember) in thoſe times for a man, as alſo *Julia Domina* is in the third perſon in [o] *Scævola*, as if we ſhould ſay, *the Lady Julia*, for one that was neece to *Julius Agrippa*. *Quæſitum eſt* (the words of *Scævola*) *an ea prædia extraneus hæres haberet, an verò ad* Juliam *Dominam quæ habuit patruum majorem* Julium Agrippam *pertinerent*. But [p] *Cuiacius* underſtands that uſe of *Domina* proper to matrons in the Empire. By this ſence of *Domina* is that of *Epictetus* to be underſtood, αἱ γυναῖκες (ſaith [q] he) ἀπὸ τῆς αὐξήσεως Κυρίαι καλοῦνται; *Men uſually called women* (after fourteen) Κυριαι, *Dominæ*, or *Ladies*. And with us antiently in *Bracton*'s time ſuch women as were to have lieve of the King to be married, or to have huſbands by his appointment (as the widows of all tenants in chief, and daughters and heirs of his tenants by Knights ſervice) were called *Dominæ* abſolutely, as wee ſee in the old articles of the Eire. *De Dominabus quæ ſunt* (ſo are the words of one of the [r] articles) *& eſſe debent de donatione Domini Regis ſive ſint maritatæ ſive non, & ſi ſint maritatæ quibus & per quem & quantum terræ valent per annum.*

n *Videſis Auth. 2.cap 36. græcè; alibi item.*

o §.4. *Julius l. 38 Pater ff. de legat. & fideicomm.3.*

p *Obſervat.lib. 3.cap.18.*

q *Enchirid.ca. 62.aut(ut in nonnullis)55. videſis item Forner.ſelect. lib.1.cap.11.*

r *Bract.lib.3. de Corona pag. 115.b.*

III. It reſts that we ſpeak ſomewhat of the Tranſmiſſion of Titles to women, which, becauſe it hath divers particulars common with the tranſmiſſion to Males, and for that ſomething is fit to be added touching the tranſmiſſion as well to the one ſex as the other, ſhall here have joyned with it, what concerns Males alſo. The Tranſmiſſion of Titles of Honor from thoſe in whom they are firſt created (it muſt be underſtood of ſuch eſtates in the Titles that are extendible any way further than the perſon in whom they begin) is various. I purpoſely abſtain to ſpeak of all kinds of it. But I ſhall ſpecially, and that but curſorily note only three, the firſt by expreſs *Limitation*, and ſo deſcent of them to the heirs; the ſecond by *Aſſignment* of them; and the third by the very *poſſeſſion of the Territories* to which they are inſeparably annexed. To the limitation of them and deſcent to heirs, ſomewhat that is already noted where we ſpeak of [f] Feuds, is applicable. And touching the ſucceſſion of females in feudal dignities, if in a nearer degree than Males, ſee the Feudiſts and others [t] that obviouſly diſpute it, and uſually ſhew the cuſtoms and contracts uſed that concern theſe deſcents in their own countries wherein they wrote. For by thoſe cuſtoms and contracts, and the limitations in the inſtruments of Creation (whereof divers examples are before ſhewed) theſe tranſmiſſions are regulated. And without cuſtoms or contracts to the contrary a [u] female upon a general limitation to the heirs, may be heir as well as a male. And for *England*; obſerve what was antiently taken for Law in caſes of deſcent to or through females, out of that Patent to *John* Earl Palatin of *Pembroke* under *Edward* the third, which is before inſerted, that is, in caſes where a man died ſeiſed in fee of a dignity, leaving two or more daughters or ſiſters, or others claiming through daughters and ſiſters as coheirs to the reſt of his inheritance. But to that Example of the Earl of *Pembroke* joyn another of the Palatin Earldom of *Cheſter*, and of the Earldom of *Northampton* under *Henry* the third, which differs from it. The ſiſters and their poſterity

f *Supra cap.1. §.33.pag.*

t *Videſis Choppin.de Doman. lib.3.tit.6.& tit.7.§.5.Tiraquell.de jure primigeniorum quæſt.10.&c.*

u *Extr.tit.de Reſcriptis c.3. ſignificavit & DD.ibid.*

sterity had for the lands of the Earldoms, other lands in exchange from the King, but none of them had the Title of Earl or Countess upon the death of *John Scot* Earl Palatin of the one and Earl of the other, their brother and ancestor that died seised in fee of it. The case is shortly remembred in [x] *Fitzherbert*. And *Anno* 1237, (saith an old little history [y] of that Earldom) *Johannes Scoticus Comes Cestriæ & Huntingdone obiit sine liberis apud* Warenfale (others call the place Warenhall) *& sepultus est Cestriæ. Verum quia terra sua Regali gaudebat prærogativa, Comitatus ejus ad manus Regias devenit datis aliis terris hæredibus suis sororibus in compensationē notā præclara donatio inter colos fœminarū dividi contingeret.* And *Walsingham* [z] speaking of *Cheshire* and the death of the Earl *John*; *deficiente hærede devolutus est in possessionem Regiam Comitatus.* Other examples of less note may be collected out of the discents of the Earls and Barons. But, it seems, *Bracton*'s opinion (he lived under *Henry* the third) was according to those Lawyers that advised in the case of the Earldom of *Pembroke* under *Edward* III. and that every sister upon a partition might (if there were whole dignities enough) have one. He speaking of the partition of inheritance between heirs females, says that chief houses also may be divided, *sive* [a] *sint in diversis* Baroniis *constituta sive non. De hoc autem quod dicitur quod de feodo militari veniunt in divisionem capitalia mesuagia & inter cohæredes dividentur; hoc verum est, nisi capitale mesuagium illud sit* caput Comitatus; propter jus Gladii, *quod dividi non potest*; vel caput Baroniæ, *castrū vel aliud ædificiū: & hoc ideo ne sic caput per plures particulas dividatur & plura jura* Comitatuum & Baroniarum *deveniant ad nihilum per quod deficiat regnum, quod ex* Comitatibus & Baroniis *dicitur esse constitutum. Si autem plura sint ædificia, quæ sunt* capita Baroniæ, *dividi possunt inter cohæredes facta electione, salvo jure esnetiæ, quia cum plura sint ibi jura, quodlibet per se poterit integrè observari, quod quidem non est in uno, ut prædictum est, licet à quibusdam dicatur quod in aliis regionibus aliquando de consuetudine dividatur. Sed quod nunquam dividi debeat in* Anglia, *videtur. Nec visum fuit contrarium. Et erit consuetudo Regionis observanda, ubi hæreditas est quæ petitur & personæ nascantur quæ petunt, & unde si dicatur quod in Regno* Angliæ *aliquando facta fuit partitio hoc fuit injustum.* For the *esnetia* and *caput* in discent of dignities, observe also that division of the inheritance of *Giffardus Comes* (*Walter Giffard* Earl of *Longeville* in *Normandy*, and of *Buckingham* in *England*) that died without issue in the time of King *Stephen*. His Earldoms remained in the King's hands, it seems, until the beginning of King *John* when the *Esnetia & Caput in Normannia* was by a partition and *ouster le main*, allotted and given to *Richard* Earl of *Hartford*, and the *Esnetia* and *Caput in Anglia* to *William* Earl of *Pembroke*, and his wife *Isabel* in right of her, who with the Earl of *Hartford* were heirs of Earl *Giffard*, deriving their right through his sisters. This partition appears in the Rolls, and they were to hold all as Earl *Giffard* held it, by the words of the [b] Charter which in those times supplied, it seems, both partition and *ouster le main*. Yet I find not the one ever stiled Earl of *Buckingham* after it, or the other Earl of *Longeville*. Therefore I only note the case and leave it to clearer judgments. Husbands being also raised into any of the two dignities of Earl or Baron by reason of the right descended on their wives belong to this point of transmission. See *Pat.* 27 *Hen.* 6. *part.membr.*1. & 28 *Hen.*6.*part.*2.*membran.*23. & *Pat.* 10 *Jacobi part.*10. *num.* 4. *pro Sampsone Lennard.* But the examples of this kind are also easily

Of Women.

x 23 *Hen.*3. *tit.Partition* 18. & *vide Rot. Claus.*21 *H.*3. *membr.*1.

y *Ms. in bibli. oth.Collegii S. Benedicti Cantabrigiæ n.*329

z *Ann.*1237. *in hypodigm.Neustriæ.*

a *De acq.rer. dom.lib.*2.*cap.* 34 *fol.*75 & 76

b *Cart.*1 *Johan.R. part.*2. *num.*83.20 *Aprilis.*

By Aſſignment.

eaſily found in divers collections of things of that nature. And I willingly abſtain from them. Touching the tranſmiſſion of dignities by inheritance with us, ſome caſes are obvious in the new Reports and the late Comment on *Littleton*.

IV. The tranſmiſſion of the greater Titles (underſtand here thoſe that are feudal) by Aſſignment of them is moſt eſpecially ſeen in the ſtories of *France*, where Counties in the antient time and Baronies are frequently aſſigned by the poſſeſſors. But we muſt herein think chiefly of the antienter times when thoſe titles or the feuds annext to them, were given to the perſons that firſt bore them, and to their heirs, for the moſt part, and not reſtrained to the heirs of the body, or to males only, as the moſt are at this day, and for many years have been, eſpecially in *England*. Some caſes we have of it alſo in *England*; as in that of the Earldom of *Lincoln* granted by Earl *Randall* to * his ſiſter the Lady *Haviſe* and her heirs under *Henry* the third. And it ſeems by the witneſſes to the deed of conveyance that it was not done without good warrant and advice. Obſerve that the Earl Marſhal and the Lord chief Juſtice of *England* were both among them. The original of it remains yet under the Earl's Seal.

* See before pag.

That of the Earldom of *Leyceſter* under the ſame King is of the like nature. *Simon* of *Montford*, Earl of *Leyceſter* in fee, died leaving two ſons *Almarique* and *Simon*. *Almarique* the eldeſt granted and [e] releaſed all his right to *Simon*, and ſo he was Earl of *Leyceſter*, and received his Inveſtiture from the King. Other occurrences of releaſes, ſurrenders, and grants of dignities are found without much difficulty among them that have collected the Earls of *England*.

[e] *Cart.* 23. *Hen.* 3. *n.* 32 & 34. *videſis Math. Paris pag.* 647. *lin.* 28.

V. How the Poſſeſſion only of ſuch Feuds as ſupport the greater Titles, carries with it or not the titles firſt granted with them, may be ſeen in the Feudiſts [f] and other Lawyers that frequently diſpute of it. And more ſpecially for this and other kinds of hereditary tranſmiſſion of Dignities; ſee thoſe diſputations of *Franciſcus Niger* and *Fredericus Boſius* (one a Lawyer of *Mantua*, the other of the Empire) concerning the late ſucceſſion into the Duchy of *Mantua* lately publiſhed. But we have a ſingular example of ſuch poſſeſſion in *England*, in the caſe of *Arundel* Caſtle adjudged in Parlament under *Henry* the ſixth. *John* Lord *Mautravers* and Earl of *Arundel* exhibited his petition (as he had done in divers Parlaments before) claiming to have place and voice in Parlaments and Councels as Earl of *Arundel*, *Conſiderant qe ſes auncẽſtres* (as the words [g] are) *Counts d'* Arundel *Seigneurs del Chaſtel, honour & Seigneurie d'* Arundel *ount ewe lour lieu a ſien en les Parlaments & Counſeilx*, time out of mind, *per reaſon de la Chaſtel honour & Seigniorie avantdites, as queux le dit nom de Count ad eſte unie & annexe de temps ſuiſdit*, and ſo ſhewed that he was now ſeiſed of the ſaid Caſtle, Honour and Lordſhip. This petition being read, *John* Duke of *Norfolk* being within age, and in ward to the King, exhibits firſt one petition and then another, ſhewing in general that the Caſtle and Title belong to him by inheritance, and deſires that he may not be prejudiced in his nonage. The Counſel of the Lord *Mautravers* allege that he ought not to be delayed by reaſon of the Duke's nonage; *quia præfatus Comes in pacifica poſſeſſione dictorum Caſtri, Honoris & dominii de* Arundel *diu ante*

[f] *Videſis Bocer. de qualit. & diff. Feud. cap.* 3. *num.* 19. *Vultei de Feud. c.* 8. *Rothenſal. de Feudis cap.* 2 *quaſt.* 2. *Gaill. lib.* 1. *obſervat.* 30. *DD. ad tit. quis dicatur Dux &c. Petr. Fritz. de Nobilit. concluſ.* 16 *&c.*

[g] *Rot. Parl.* 11 *Hen.* 6. *memb.* 9 *art.* 33, 34, 35.

te mortē & tempore mortis Johannis *nuper Ducis* Norf. *patris prædicti nunc Ducis cujus hæres ipse est et semper postea extitit et adhuc existit*, & no special Title was shewed in Record on the Duke's behalf, or found by any Office after the death of his father, and therefore they prayed judgment. Thereupon the King and the Lords commanded the Counsel of the Earl to give in his Title more particularly in writing. They do so; and therein they claim for him the Title as in their first petition only by reason of the possession of the Castle, and by reason they say it had been in his Ancestors. And the Castle they derive to him by a special entail made by fine under *Edward* the third to the heirs males of the body of *Richard* then Earl of *Arundel* begotten on the Lady *Alianor* his wife; the Duke of *Norfolk* being the heir general to the same Earl *Richard*, and the Earl heir male. *Qua quidem scedula* (saith the Roll) *in Parliamento prædicto lecta, audita, & intellecta, habitaque super materiis in eadem contentis & aliis præmissis cum Justiciariis & aliis legis peritis ac cæteris de Consilio Domini Regis in dicto Parliamento existentibus deliberatione, communicatione & avisamento; auditis etiam hinc inde nonnullis profundis et maturis rationibus, allegationibus & motivis, considerato quoq; qualiter* Rich. *filius* Alani *consanguineus & unus hæredum* Hugonis *de* Albiniaco *dudum Comitis* Arundel *fuit seisitus de dictis Castro, Honore & Dominio de* Arundel *in Dominico suo ut de feodo & ratione possessionis suæ eorundem Castri Honoris & Dominii, absque aliqua alia ratione vel creatione in Comitem, fuit Comes* Arundel, *& nomen, statum & honorem Comitis* Arundel, *necnon locum & sedem Comitis* Arundel *in Parliamentis & Consiliis Regiis quamdiu vixerat pacificè habuit & possedit absq; aliqua calumnia, reclamatione vel impedimento; præfatus igitur Dominus Rex, hiis & aliis ductus considerationibus & motivis ad personam præfati nunc Comitis* Arundel *cui prædicta Castrum, Honor & Dominium de* Arundel *speciali jure hæreditario ut prædicitur descenderunt &c.——volensque proinde eidem* Johanni *nunc Comiti, in hac parte suis tantis exigentibus meritis, quantum (absque juris alieni derogatione) potuit celeris justitiæ complementum fieri, de avisamento & assensu Prælatorum, Ducum, Comitum, & Baronum in instanti Parliamento existentium ipsum* Johannem *nunc Comitem* Arundel *ad locum & sedem Comitis* Arundel *in Parliamentis & Consiliis Regiis antiquitùs usitatos & consuetos eisdem modo & forma quibus antecessores sui Comites* Arundel *hujusmodi locum & sedem meliùs & liberiùs habuerunt, habendos & possidendos admisit & ipsum de cætero sic fore admittendum decrevit, instituit, & declaravit*, saving the right of others, if any were. And in another Parlament [h] of the same King, it was adjudged upon the same reason of the possession of the Castle, that his heirs should have place also in Parlament, the question and place arising between *William* Earl of *Arundel* brother to this *John*, and *Thomas* Earl of *Devonshire*. See also *Rot. Cart.* 15 *Ed.*4.*num.*18. *de Creatione* Edwardi Grey *Militis Domini de* L'isle.

By possession.

h *Parl.*2. *Hen.* 6.*art.*18.

Of Attributes.

CHAP. X.

I. *Honorary* Attributes. *And of* Clariſſimus *and* illuſtris *eſpecially in the* antienter time *of the* Empire, *or before* Conſtantine *the great.*

II. *Of* Illuſtris, Clariſſimus, Spectabilis, Perfectiſſimus, *and* Egregius, *and their Abſtracts, after the age of* Conſtantine. *Of* Glorioſiſſimus, *and thoſe that were* ſuper Illuſtres. *The Abſtracts of* Celſitudo, Magnificentia, Eminentia, *and ſuch more in the old* Empire.

III. *Of ſome ſuch kind of Honorary Attributes in the* preſent States *of* Europe, *and the great changes that time hath exerciſed on ſome of them.*

BEſides the diſtinction of both Sexes by the Titles hitherto declared (which are *Eſſential* to the honorary dignity of them that bare them) there is another diſtinction of them by *Attributes* or Expreſſions that are, and from antient time, have been *Accidental* to them, and variouſly given in Direction of Letters, Inſcriptions, or ſpeech to them, and in other mention of them. Of thoſe, ſome are in the Concrete, as *Optimus*, *Ampliſſimus*, *Illuſtris*, *Clariſſimus*, and with us, *Honorable*, *Gracious*, and ſuch like; ſome in the Abſtract, *Amplitudo tua*, *Celſitudo*, as *your Honor*, *your Grace*, and the reſt of that kind; according as thoſe are alſo which belong to ſupreme Dignities.

I. The giving of thoſe in the Concrete to ſuch as had Officiary Dignities (whence the like for Honorary and Feudal Dignities was afterward alſo received) we ſee in ſome uſe about the beginning of the *Roman* Empire (or at leaſt in the firſt age of it) by a few examples that occurr in the holy Text of the new Teſtament, and that both in the ſecond and third perſon. *Joſeph* of *Arimathea* is ſtiled Εὐσχήμων βουλευτὴς, or *Nobilis Decurio* by Saint [a] *Mark*. And Saint *Luke* [b] directing his Goſpel to *Theophilus* calls him κράτιστε Θεόφιλε or *Optime Theophile*. So in the inſcription of *Claudius Lyſias* his Letter, about Saint *Paul*, to *Felix* [c] is πρὸς κρατίστῳ ἡγεμόνι Φήλικι *Optimo Præſidi Felici*. And *Tertullus* [d] in his ſpeech to *Felix*, calls him κράτιστε Φήλιξ; as Saint *Paul* to *Feſtus* the ſucceſſor of *Felix*, οὐ μαίνομαι κράτιστε Φῆστε, or *non* [e] *inſanio Optime Feſte*.

It came afterward into uſe, to ſtile the Senators *Clariſſimi*, *Viri Clariſſimi*, and both themſelves and their wives *Perſonæ Claræ*, and the Senate *Ordo Clariſſimus* and *Ampliſſimus* alſo. And the *figles* of *V. C.* or *V. Cl.* were frequently the expreſſions of *Vir Clariſſimus* in this ſence. This is eſpecially ſeen in the Laws of the Empire, taken out of thoſe old [f] Writers, *Gaius*, *Scævola*, *Ulpian* and ſuch more, and in old Inſcriptions. And *Lampridius* expreſly, that *Alexander Severus* added to his *Præfecti Prætorio*, or his Lieutenants or chief Juſtices under him, the dignity of Senators, whence alſo they might have the Title of *Viri Clariſſimi*. *Præfectis Prætorio ſuis Senatoriam addidit dignitatem* (ſaith he) *ut* Viri Clariſſimi *& eſſent & dicerentur, quod antea vel raro fuerat vel omnino non fuerat; eouſque ut ſi quis Imperatorum ſucceſſorem Præfecto Prætorii dare vellet, laticlaviam eidem per libertum ſubmitteret ut in multorum vita* Marcus Maximus *dixit*. Alexander *autem idcirco Se-*

natores

a *Cap.* 15. 43.
b *Cap.* 1. 3.
c *Act. Apoſt.* 23. 26.
d *Ib. cap.* 24. 3.
e *Ib. c.* 26. 25.
f *Videſis*, præter leges nonnullas, ſuperioris capitis §. 2. margine notatas. *l.* 5. *Curator ff. de Curat. fur. ſ. l* 52. §. 2 *ff. de Judiciis*, *l.* 35. *ff. de legatis* 31. *l.* 16. §. 1. *ff. de his quæ ut indignis*; *l.* 12. *ff. de publicis Judiciis*; *l.* 18 §. 1. *ff. de Jure Fiſci*; *l.* 100. *ff. de verb. ſignif. l.* 1. *ff. de Jure patronatus.*

natores esse voluit præfectos Prætorii, nequis non Senator de Romano *Senatore judicaret.* Here the name of *Senator* and *Vir Clarissimus* are supposed plainly convertible. But though *Clarissimus* were then a general and the most usual attribute to all Senators, yet in the elder time of the Empire *Illustres* also was given (as equivalent) both to them, and, it seems, to the rest of the Gentry of *Rome*, and the distinct title of *Eques Illustris* to such of the *Ordo Equestris*, as had, it seems, the wealth of a Senator, or were honoured with the Robes and ornaments of a Senator, and so in an immediate expectation of being Senators, and of having place and voice in the Senate, though they were otherwise *dignitate Senatoria*, as [g] *Tacitus* calls *Mella* and *Crispinus* under *Nero*, the one being *Eques Romanus Consularibus Insignibus donatus* the other *Eques Romanus Consularibus potentia æquatus.* For the giving of it to Senators with the rest of the Gentry; occurrences are frequent in *Tacitus*, where *Illustris* and *Illustres* is used as a comprehensive title of them; as in that passage of those that so miserably fell with *Sejanus. Jacuit* (saith [*] he) *immensa strages*; *omnis sexus*; *omnis ætas*; inlustres & ignobiles, *dispersi aut aggregati.* And under *Nero*, *Fœminarum* [h] *inlustrium Senatorumque plures per arenam fœdati sunt.* Such like notions of it are often in him. And for those *Equites Illustres* that so were of the more eminent in the *Ordo Equestris*; he stiles *Curtius Atticus*, one of the few and nearer attendants on *Tiberius* at *Capreæ*, *Eques* [i] *Romanus ex Inlustribus.* So he says the Father of *Pompeia Macrina* was [k] inlustris *eques Romanus.* And *pergit* [l] Suillius *addere reos Equites Romanos* illustres *quibus* Petra *cognomentum.* And, *Die pacta*, Tiberius [m] Alexander *Illustris Eques* Romanus *minister bello datus.* Nor was this Title of later beginning than *Augustus* under whom the *Illustres Equites* are reputed in one place of *Tacitus* equal in dignity with the Senators. *Augustus* (saith [n] he) *inter alia dominationis arcana, vetitis nisi permissu, ingredi Senatoribus aut* Equitibus Romanis illustribus, *sepositi Ægyptum.* And perhaps *Ornatissimi Ordinis secundi* in *Statius*, [o] and *Eques splendidus*, [p] elsewhere in *Tacitus*, and in [q] *Pliny* (both living in the same time) were used to the same purpose, as also *Eques insignis* in *Tacitus*, though *Lipsius* [r] rather thinks that these two last attributes were only from their reputation and wealth, and not from any distinct character of dignity in the state. But afterward in that age of *Alexander Severus* the Attribute of *Clarissimus* became as we see before out of *Lampridius*, peculiar to Senators. The *Clarissimi* were the same also as *Speciosæ personæ.* For *Ulpian* that then lived, says that *Speciosæ personæ* did comprehend both all that were *Clarissimi* or *Clarissimæ*, and also such as had the right of using the Robes and Ensigns of Senators, that is, such of the *Ordo Equestris* as had no less honor than Senators, or were *Senatoria dignitate*, but had no place in the Senate. His words are, [f] *Speciosas personas accipere debemus Clarissimas personas utriusque sexus*; *item eorum qui ornamentis Senatoriis utuntur*; as if he had said all that are *Clarissimi* or Senators, and all that have the right of wearing their Robes, or are *Senatoria dignitate*, also are comprehended under the title of *Speciosi*, or *Clarissimi.*

Of Attributes.

g *Annal.*16.

* *Annal.lib.*4.

h *Annal.lib.*15.

i *Annal.*4.
k *Annal.*6.
l *Annal.*11.

m *Annal.*15.

n *Annal.*2.

o *Epist.ad Marcell.in Sylvarum* 4. p. *Annal* 11.
q *Lib.*6 *Epist.*
r *Videsis eum ad Tacit. Annal.* 11. *num.*15.

f *L.*100. *ff. lit. de verb. signific.*

II. But afterward about *Constantine*'s time, another change hapned to these attributes. For then *Illustris* and *Clarissimus* came to be the attributes of distinct dignities. And *Illustris* superior to *Clarissimus.* In a Constitution of that Emperor we find, *Quicunque non* Illustri *sed*

Of Attributes.

sed Clariſſima *dignitate tantum præditus virginem rapuerit vel fines aliquos invaſit &c.* And the title under which it is placed in *Juſtinian's* [t] Code, is *ubi*, Senatores *vel* Clariſſimi *civiliter vel criminaliter conveniantur.* Here *Dignitas* Illuſtris & Clariſſima, are plainly diſtinguiſhed, though the ſame conſtitution in *Theodoſius* his Code [u] have to this purpoſe only *Quicunque* Clariſſimæ *dignitatis Virginem rapuerit vel fines aliquos invaſerit &c.* Many other like paſſages for this diſtinction are obvious in both the Codes, where *Illuſtris* thus ſignifies, and was given to thoſe *Patricii* (among others) which were created by [x] *Conſtantine*, and his Senators, but never as a diſtinct Title to the antient *Patricii* of *Rome.* And the want of obſervation of the difference of times, and of theſe ſeveral Notions of *Patricii* hath ſo perplexed ſome learned men writing of theſe attributes, that while they ſhould explicate the acceptation of them, they either groſly confound Times and Notions that ſhould be ſevered, or otherwiſe too raſhly inſtruct their Readers. But of the *Patricii*, their rights, and diſtinction, See *Johannes Jacobus Draco* his three books *De Origine & Jure Patriciorum.* Yet under *Valentinian*, and *Gratian* we ſee *Inluſtris* and *Clariſſimus* joyn'd together to both ſexes, in [y] this that is or lately was at *Rome* in Cardinal *Trivulcie's* houſe.

[t] *C. lib. 3. tit. 24*

[u] *C. Th. lib. 9. tit. 1. de Accuſationibus & Inſcriptionibus*

[x] *Zoſim. hiſt. 2.*

[y] *Grater. Inſcr. fol. 28.*

DD. NN. FL. VALENTINIANO ET GRATIANO
...RATORIBUS SUIS
CEIONIUS RUFUS VOLU.....
ANUS V. C. ET INLUSTR.....
EX VICARIO ASIE ET CEIO
NI RUFI VOLUSIANI V. C.
ET INLUSTRIS EX PRÆFECTO...
TORIO ET EX PRÆFECTO UR...
ET CECINE LOLLIANE CLAR...
ME ET INLUSTRIS FEMIN...
DEÆ ISIDIS SACERDOTIS F...
ITERATO VIGINTI ANNIS EX P...
TIS TAUROBOLIIS VI. ARAM CONSTITU.....

ET CONSECRAVIT X. KAL. JUN. D.N. VA ...
TINIANO AUG. ET NEOTERIO C...

This was in CCCXC of Chriſt. Afterward it appears that theſe two of *Illuſtris* and *Clariſſimus* were ſo diſtinct, that a third attribute of Honour was made to intercede between them. That was *Spectabilis.* That attribute of *Illuſtris* was given in the ſame times both to the *Patricii* of the new Creation, the *Præfecti Prætorio*, the *Comes Largitionum*, *Comes rerum Privatarum*, and ſome other great Officers of the State, * *Spectabilis* to the Proconſuls of Provinces, the *Vicarii* of the *Præfecti Prætorio* and divers ſuch more, and the Title of *Clariſſimus* generally to all that were Senators, according to the antienter faſhion. And for that of [z] *Iſidore*, where he makes his tripartite diviſion of Senators into *Illuſtres*, *Spectabiles*, and *Clariſſimi*; I doubt he had no warrant for it, otherwiſe than thus; that ſuch indeed of thoſe great dignities, honorary or officiary, as were variouſly fixed on Senators, made them either *Illuſtres* or *Spectabiles.* But I conceive that a Senator, as a Senator, was to be ſtiled but *Clariſſimus*; other attributes

* *Zeno L. unic. C. Ut omnes Judices tam civ. quam crim. vide Novellam 7. in Epilogo, Novell. 8. c. 1. de defenſoribus civitat. Novell. 31. c. 1. §. 2. &c.*

[z] *Orig. lib. 9. cap. 4.*

attributes coming to him only as he was in some other dignity whereunto the use of the time had annexed them. Whence it was that *Ordinarius* was alone taken [z] for *Clarissimus* also. Some Officers also had that Title of *Clarissimus* afterward belonging to them, and that also those that were of less dignity otherwise, than * Senators. And, it seems, also that *Illustres* sometimes in *Justinian*'s age (the change of the use of those attributes being not unfrequent) was also a comprehensive Title of all Senators. For to that age belongs the words of the later part of *L.12.ff.tit. de Senatoribus*, which *Tribonian* hath left added there though it be usually read, as if it were as antient as *Ulpian* out of whose books *de Censibus* the first part of that Law is taken. But some learned men have [a] justly deemed it to be of *Justinian*'s age only, and to have been thither taken out of his *Novella* LXII, which though indeed we have but in Epitome, yet it so gives the sence of that in the title *de Senatoribus*, that we have not reason enough to believe it of other original, especially for that it stands not with the *Roman* use of *Ulpian*'s age. The words are *Senatores accipiendum est eos qui à Patriciis & Consulibus usq; ad omnes* Illustres *viros descendunt; quia hi soli in Senatu sententiam dicere possunt*, which is shortly expresst in the *Synopsis Basilicon* [b], Οἱ ἀπὸ Πατρικίων ἕως Ἰλλεστρίων εἰσὶν οἱ συγκλητικοὶ, that is, *All are Senators from the Patricii to the* Illustres, inclusively: which place together with that Epitomized *Novella* of *Justinian* before cited, compared with that in *Photius*, which he hath corruptly in the print, as if it were a piece of *Diodorus Siculus* (in whose time *Illustres* was not yet received for a peculiar attribute of honor; for he lived in the beginning of the Empire) well explains it. In *Photius*, [c] we read near the end of his *Diodorus*, Ὅτι τὸ τῆς Ἰλλεστρίων ἀξίωμα τρίτην ἀπὸ τῆς πατρικίων τάξιν ἐπέχειν ἔτός φησιν, *He says, that the Dignity of* Illustres *is the third degree from the* Patricii. Clearly *Diodorus* could say no such thing. Nor was that dignity in his age. The sence is (out of the Laws of *Justinian*) that Senators that were nothing but Senators and ordinary *Illustres*, were the third from the *Patricii*, next to whom the Consuls were, as in that also of *L.12.ff. de Senatoribus* it is apparant.

Of Attributes.

z *Novel.31. cap 1.§.2.& ibid. Gothofred.*

* *L.8.C.de Principib.agent.in rebus & Novell.cap. 71.C.ut omnes Judices tam civil.quam crim.L. unic. Novel.44.c.1. §.4.*

a *Vide, ante alios Leunclavium Notatorum lib.2 pag. 253.*

b *Eclog.7.*

But beneath *Clarissimus*, they had likewise the attribute of *Perfectissimus* and *Egregius* for the Officers of less note both in the Court and in Provinces, and *Perfectissimus* [d] *primi, secundi et tertii ordinis*. And from these attributes in the Concret they made those Abstracts of *Illustratus*, *Spectabilitas*, *Clarissimatus*, *Perfectissimatus* and *Egregiatus* to denote the dignities of them to whom those attributes were due. *Avus Cassiodorus* (saith [e] *Cassiodore*) *Illustratus honore cinctus*. And the Emperors also expressly created men into these attributes for the name of their dignities, giving them *Illustratum*, *Clarissimatum*, and the like. The forms of such Creations are observable in *Cassiodor*, as *Illustratus Vacantis* [f] *lib. 6, form. 11, Spectabilitatis lib. 7. form. 37. Clarissimatus ibid. form. 38.*

c *Cod.244.pag. 2090.*

d *L.7.C.de Palatin.Sacr.larg. & C.Th.lib.6. tit.29.l.8.*

e *Var.lib.2.4.*

f *Vide sis l. ult. §.2. ubi Senatores vel clarissimi.*

These with the other two are often mentioned in both the Codes and other good Authors, especially of between a thousand and thirteen hundred years since or thereabout, as in *Ammianus*, *Sidonius*, *Symmachus* and such more. And *Codicilli Perfectissimatus* or Letters Patents of the Attribute of *Præfectissimus* are [g] remembered in both Codes.

g *C.de perfectissimatus dignitate l.unic. & C.Th.eodem tit.37.& leg.4. lib.8.tit.4.*

But there was also a greater than any of these though not expressed antiently in any one word, which yet the Lawyers of the later ages have

Of Attributes.

have called *superillustris*, properly enough for the sence. For when *Illustres* are sometimes mentioned, others *qui super eos sunt* or with such like expressions are joyned with them. As *Jubemus* Illustribus *quidem personis*, [h] *sive* eas precedentibus *minimè licite ultra tertiam partem centesimæ usurarum nomine in quocunque contractu vili vel maximo stipulari.* And in the [i] Institutions, *Hoc observando quod* Zenoniana *constitutio introduxit ut viri* Illustres, quique super eos sunt (which *Theophilus* there turns by Ιλλύστριοι οἱ μειζόνες κ τὸ ἀξίωμα, that is, the *Illustres* and such as are of greater dignity than they) *per procuratores possint actionem injuriarum criminaliter vel prosequi vel suscipere.* So in the Authentiques [k] *ut ab* Illustribus *et qui* super eam dignitatem *sunt &c.* Who those were, clearly enough appears not. It is like enough the *Cæsars* were of them. And perhaps about that time, the *Præfecti Prætorio* (whose dignity was called *illustrissima*, and themselves sometimes *Illustres & Magnifici* together in the same passages, where others [l] were titled only *Illustres*, and that before *Justinian*'s time, of which all those texts are, which so mention them that were *super Illustres*) were also of them and the *Patricii.* But it seems, that *Illustres & qui super eos sunt*, or the like was not in use until *Justinian.* For that very constitution of *Zeno* which he cites in the Institutions, and is at large in his [m] Code, speaks not of any *super Illustres*, but of *Illustres* only. But when in *Justinian*'s time there was a distinction made betwixt the *Illustres* and some above them, he mentions *Zeno*'s Law touching *Illustres*, as if it expresly comprehended both of them. It being indeed reasonable enough to extend that to the greater dignity which was so made in favour of the less: whence perhaps it is also that the Latin title of that in the Authentiques hath *ut ab Illustribus & qui super eam dignitatem sunt*, while the *Greek* mentions only the *Illustres.* But also, it seems, that in *Justinian*'s time the attribute of *Gloriosissimus* was for that above the title of *Illustris.* For most usually he calls his *Præfecti Prætorio* by that name, as *Joanni Gloriosissimo Orientialium Prætoriorum Præfecto*, and the like frequently occurr in the Authentiques. The *Greek* being always Ενδοξοτάτῳ for *Gloriosissimo.* But for *Illustris* the very word is with a little variation retained and made Ιλλύστριος which shews in those Authentiques an expres distinction from *Gloriosissimus.* As in a Constitution concerning the tribute or subsidy to be received [n] of the shops and houses of trade in *Constantinople*; some are discharged, and the rest are to pay whosoever be Lord of them, and whether they belong to any of the *Gloriosissimi Senatores* or the *Magnificentissimi Illustres*, or the *Spectabiles*, or any else whatsoever. Here *Gloriosissimi Senatores* I take for such as being Senators were by reason of their being or having been *Præfecti Prætorio*, or perhaps being *Patricii*, were above the *Illustres*, and the *Magnificentissimi Illustres* for the rank of the *Illustres.* For *Magnificentissimi Illustres* or μεγαλοπρεπέστατοι Ιλλύστριοι is [o] after used for the *Illustres* in the Authentiques. And in another place [p] *In majoribus dignitatibus & quæcunq; usq; ad nos & Senatores*, & Magnificentissimos Illustres, *neque fieri hæc omnino patimur.* Where it should rather be *ad nostros Senatores.* For so is the *Greek*, ἐν ὅσα μέχρι τῆς ἡμετέρας ἐστὶ συγκλήτου. And *Nostri Senatores* here are they that were *super Illustrium dignitatem.* The Office also of the *Præfectus Urbis* is called by [q] *Justinian*, *Gloriosissima Urbicaria Præfectura*, and such more passages are obvious enough. And thus there might be made six distinct attributes in those times of the Empire, *Gloriosissimus*, *Illustris*, *Clarissimus*, *Spectabilis*, *Perfectissimus*

h *C. de usuris l. 26. Eos.*

i *Institut. lib. 3. tit. de Injuriis* § 10.

k *Novell. 71. in Lemmate.*

l *Honor. & Theodos. l 8. C. de defensoribus.*

m *L. 11. si quando C. de Injuriis*

n *Novell. 43. cap. 1.*

o *Novell. 71. cap. 1.*

p *Novell. 74. cap. 4.*

q *L. 7. § 6. C. de Curator. furios.*

fectiſſimus and *Egregius*; beſide thoſe attributes of *Magnificentiſſimus*, *Sublimiſſimus*, *Excelſus* and the like which are now and then given alſo in thoſe times, but not in nature of ſo diſtinguiſhing attributes as the reſt. But for that which is above *Illuſtris*, the Lawyers of the later ages have made *Superilluſtris* in one word, and, of the reſt, omitting thoſe two *Perfectiſſimus* and *Egregius* as the loweſt and of the ſlighteſt eſtimation, they have theſe [r] verſes. *Of Attributes.*

Illuſtris *primus*; *Medius* Spectabilis; *Imus*
(*Ut lex teſtatur*) Clariſſimus *eſſe probatur.*
Et Superilluſtris *præponitur omnibus iſtis.*

r *Lucas de Penna ad C. tit. de dignit. in proœmio, & vide* Alciat. *lib. de ſingulari Certamine cap.* 32.

They can mean theſe only of ſuch as were Senators (while they apply it to the antient times) or of no leſs dignity, in regard of their Attributes, than Senators. For *Clariſſimus* being the loweſt here belonged to Senators, and ſome few others that had it with them. The whole *Ordo Equeſtris* (ſaving where any of them vvas othervviſe of a Senatory dignity or in thoſe Officiary dignities had the *Clariſſimatus* belonging to them) being excluded. For the *Ordo Equeſtris* was reſtored unto the next [f] degree to the *Clariſſimatus*, or to the ſtate of *Ordo ſecundus*, as it had been antiently by a Conſtitution of *Valentinian* and *Valens*; it having been, it ſeems (after thoſe titles of *Clariſſimus*, *Perfectiſſimus* and the like were brought into uſe) beneath the dignity of *Perfectiſſimus*. For in a Conſtitution of *Conſtantine* [t] (as it is in *Theodoſius* his Code; it differs much in *Juſtinian*) touching the making of Infants to be as if they were of full age, directed to *Verinus* a *Præfectus Prætorio*; the words are, Senatores *apud gravitatis tuæ officium de ſuis moribus & honeſtate perdoceant.* Perfectiſſimi *apud vicariam perfecturam.* Equites Romani *& cæteri apud præfectum vigilium. Navicularii apud perfectum Annonæ.* And the old interpretation is *ut qualis vel quam digna perſona ſit, apud talem judicem hæc quæ dicta ſunt habent approbare*; which ſhews the *Equeſtris Ordo* here beneath the *Perfectiſſimi.* But to recompence the *Equites* (it ſeems) in regard of their ſufferings, while the many and ſo vain diſtinctions of others by ſpecious attributes obſcured their antient dignity, they had ſome privileges given them by the ſame Conſtitution of *Valentinian* and *Valens* and were freed alſo from thoſe charges from which the Senators were alſo exempted, *Equites* [u] *Romani quos* ſecundi gradus (ſays the Conſtitution) *in urbe omnium obtinere volumus dignitatem, ex indigenis Romanis & Civibus elegantur, vel his peregrinis quos corporatis non oportet adnecti. Et quia vacuos hujuſmodi viros eſſe privilegiis non oportet, corporalium eos injuriarum & perſecutionum formido non vexet. Ab indictionibus quoque quæ* Senatorium Ordinem *manent habebuntur immunes.*

f *L. unic. C. de Equeſtri dignitate.*

t Vide ſi placet, *C. T. Theod. lib. 2. tit. 17. l. unic.* quæ nimium diſcrepat ab ea quæ pro eadem ipſa habetur. *C. tit. de his qui veniam ætatis &c. l. 2.*

u *C. Theod. lib. 6 tit. 36.*

The Greeks in the Eaſtern Empire expreſſed for the moſt part, *Spectabilis* by φιλεπῆ, *Clariſſimus* by λαμπρότατο. But ſometimes they received *Spectabilis* into their own tongue; whence in the Gloſſary of the *Baſilica*, we have Σπεκτάβιλις as a word received into Greek, interpreted by φιλεπῆ. And for the title *Illuſtris* they uſed (as you ſee before) ἰλλούστριο, whence *Procopius* [x] hath it as an ordinary attribute to his name. So hath *Heſychius* that wrote the lives of Philoſophers, and is thence ſtiled *Illuſtrius.* And in the [y] Authentiques; Θειοπίζομεν τοίνυν ἄχρι καὶ τῶν μεγαλοφρεπεστάτων Ἰλλουστρίων τὸ κράτος, *Sancimus uſque ad Magnificentiſſimos Illuſtres hoc valere.* Other like paſſages are in the Greek of the Authentiques, although alſo ἔνδοξο be often uſed elſewhere in them for it.

x *Suidas in Procopio, vide, ſi placet, Meurſii Gloſſ. Græco-barb. in* Ἰλλούστριο.

y *Novell. 73. cap. 1.*

Of Attributes.

it. We add here for Ιλλστρεις out of the Greek Rituals in the life of their *S. Theophano* wife to *Leo* the son of *Basilius*. Αὕτη z ὑπῆρχε γέννημα καὶ θρέμμα Κωνσταντινουπόλεως, ἐξ αἵματος βασιλικοῦ τὴν γένεσιν ἔχουσα ἐκ τῆς φοιβελέπτων Μαρτινακίων θυγατρὸς Κωνσταντίνε τὴν ἀξίαν Ιλλυστρείς καὶ μητρὸς Ἄννης ἐκ τῆς ἀφ' ἡλίου ἀνατολῶν ὡρμωμένης. *She was born and bred in* Constantinople, *and of the blood Imperial being descended from the* Martinacii, *that were* Spectabiles *or* περιβλεπτοι. *She was daughter to* Constantine *who by dignity was* Illustris, *and* Anne *an Eastern woman.* And *Maximus Margunius* Bishop of *Cerigo*, expressing the same in his barbarous Greek, sayes that she [a] was descended ἀπὸ τοῦ λαμπρωτάτας Μαρτινακίας, θυγατέρα Κωνσταντίνε κατὰ τὸ ἀξίωμα Ιλλυστρείς, which is but the same to this purpose as that other, saving that he calls the *Martinacii* λαμπρώτατοι, or *Clarissimi*, who are περιβλεπτοι *Spectabiles*, in that other. But these Titular Attributes were not so distinct but that sometimes the same person had more than one of them given him at once, which proceeded usually from his having several rights to them by reason of his several places or functions in the State. And to these Attributes they had other peculiar privileges [b] belonging also than we have mentioned here.

z *Menologium mag. Die 16 Decembris.*

a Βοὶ Ἁγίων *pag. ββμ. b.*

b *Videsis C. tit. ubi* Senatores *vel Clariss l. 1. & Novell. 71. &c. Adde Pancirolli in Notit. utrunque cap. 2, 3, & 4.*

As they used honorary Attributes in the Concret, so also did they variously in the Abstract. To a *Præfectus Prætorio*, *Magnificentia tua* or *vestra*, *Magnitudo tua*, *Celsitudo tua*, *Sublimitas tua*, *Miranda sublimitas*, *Eminentia*, or ὑπερεχὴ and such like are obviously used in both the Codes and the Authentiques. And some of those to other that were *Illustres*. A *Spectabilis* was saluted with *Spectabilitas tua* and a *Clarissimus* with *Claritas*, and *Sinceritas* sometimes, as also with *Gravitas* which was also given to a *Perfectissimus*. But nor these nor the concrets were always given. Often the Officers of State are named with them and often without them. And in the Authentiques, the Greek hath no attributes sometimes where the Latin hath, as on the other side also the Latin wants where sometimes it is in the Greek. For more particulars touching these attributes I refer you to [c] *Pancirollus*, *Antonius* [d] *Surgens*, *J. Cæsar* [e] *Bullinger*, [f] *Valdesius*, [g] *Brissonius*, and some such more, beside both the Codes and the Doctors that write especially upon the last book of *Justinian*. And see before at the end of the VIII §. of the first Chapter of this point.

c *In Notit. utrunque cap. 2, 3, & 4. & in Thesaur. Var. lect. utriusque Juris lib. 1. ca. 2, 3 &c.*
d *Neapolis Illustrat. lib. 1. cap. 19. 14. &c.*
e *De Imperio Romano lib. 2. cap. 18, 19, & seqq.*
f *De dignitate. Regis Catholici*
g *De Formulis lib. 3. p. 317. Edit. 1592. Francof.*

III. In the following Ages, these titles and the like in the Concret and Abstract, have been variously used to the dignities of Princes, Dukes, Counts and the rest. *Illustris* (as is shewed in the first part) came to be peculiar to the stile of Kings in the Court of *Rome*, and, according to the forms of that Court, it was used also in divers other places. To what Dukes also **Alciat* would allow it, is there *remembred in his own words, as also to whom the Titles of *Superillustris* (made into one word from *iis qui sunt super illustres*) should be in his sence attributed. And he allows *Spectabilis* to Dukes of less note, or such as are meer subject Dukes, and to Marquesses and Counts, *quos quidam Principes vocant* (as his words are) *diu tamen ab ipso* Cæsare *dignitatem suam acceperint*. He meant, I think also, or from any absolute Prince. And *Clarissimus*, he says, belongs to Counts, Barons, Vavasors, *atque id genus Pagani Reguli* that depend on Dukes as on their makers or immediate Sovereigns. But for *Illustris*, *Superillustris*, *Spectabilis*, See also *Speculum Saxonicum lib. 1. art. 3. §. 2. lib. 3. art. 45, 53, 57, 58, 99.* And for that of *Celsitudo*; *Hoc titulo* (says [h] *Pancirollus*) *hodie Principes paulo Regibus inferio-*

*Lib. de singul. certam. cap. 32, & 33.
* Pag. 137.*
h *Ad Notit. utraq; cap. 2.*

inferiores konestantur. Something occurrs also of *Celsitudo*, before in the first part. Whereunto I add that of *Bodin* speaking of some Princes that are beneath Kings in sovereignty. *Quo fit* (saith [i] he) *ut* Saxoniæ *olim*, Bavarorum, Allobrogum, Lotharingorum, Ferrariensium, Florentinorum, Mantuanorum *Duces &* Majestatis *appellatione abstineant*, Celsitudinis *verbo contenti aut* Serenitatis *quam sibi* Dux Venetorum *tribuit*. And we see in common use that *Celsitudo*, *Altezza*, *Hautess*, and *Highness* is given to such Dukes. Neither is any greater Abstract given to the Princes of *Wales* with us. But *Bodin* you see takes *Serenitas* as indifferent for those and the like Dukes. And *Serenissimus* and *Excellentissimus* is often attributed to them in letters of other Princes at this day, and sometimes *Illustrissimus* and *Excellentissimus*. But *Serenissimus* is taken for the far greater attribute, and one of the greatest that can be given to any Prince that hath not the supreme title of King. Whence it was that in the treaty at *Boloigne* between the Commissioners of Queen *Elizabeth*, of the King of *Spain*, and of the Archduke of *Austria*, among other exceptions among them to the forms of the Commission of the English, one was *contra adjunctum Illustrissimi* (as the learned [k] *Camden* relates it; of which attribute, more is said, as of others communicated also to subordinate dignities, in the first part) in *titulo* Archiducis, *qui, ut dixerunt, sacris Imperatoribus ortus Regum* Hispaniæ *gener & frater, maritus & caput Serenissimæ* Isabellæ *Infantis Hispaniarum primogenitæ, ab omnibus Principibus* Serenissimi *titulo honoretur, Anglis dicentibus* Archiducem Regi *in Titulo non adæquandum nec alium quam* Illustrissimi *titulum in Antiquis tractatibus Archiduci* Philippo, Caroli V. *patri, fuisse delatum. Responderunt Hispani minime mirum.* Illustrissimi *titulum eo seculo Archiduci* Philippo *fuisse delatum, cum non alius in eodem tractatu Regi* Henrico VIII *attribueretur.* Whereupon *post paucos dies* (saith he) *titulo* Serenissimi, *quotiescunque Archiducis nomen occurrit, in Reginæ Antographo rite inserto, Angli postularent ut præsentes convenirent* (*hactenus enim per scripta & Colloquia cum Archiducis Delegatis egerant*) *atque loci prioritas Reginæ deferretur.* And so that precedence was disputed, as is before noted, near the end of the first part. But the attributes of *Illustrissimus*, *Excellentissimus*, *Potentissimus*, *Serenissimus & Celsissimus*, and such more have been variously given to subordinate dignities according to the fancies of the Writers, and the variety of ages and custom, which have ever governed most in these kind of attributes and the changes of them. For the title of *Eccellentissimo*; given not only to Princes, or other *Titolati*, but also to Doctors of Law or of Physick in *Italy*, see *Trajano Boccalini* his *Raguagli di Parnasso*, *Cent.* 1. 49. where he hath a particular decision before *Apollo* of it. And see before, in the *Pragmatica* of *Spain*, *Chap.* 4. *pag.* 484. for these kind of Attributes in that State. The titular books of the *Dutch*, the stiles of the Court of *Rome*, and of the Countries of *France* and *England*, and such more, shew divers more particulars of them, to which I refer you.

Of Attributes.

[i] *De Repub. lib.* 1. *cap.* 9.

[k] *Annal. sub Anno* 1600.

Precedence.

CHAP. XI.

I. *Of* Precedence *in general*; *and more particularly of the* Precedence *of some Officers, Dignities, and other qualities, in the old state of the* Jews.
II. *A summary designation of the Laws of the Empire, touching* Place *and* Precedence *between* Secular *dignities.*
III. *Of some Laws and Decrees of like nature in some other States*; *especially in* England. *And of Laws of* Precedence *between Ecclesiastical dignities.*
IV. *Of* Lists, Commentaries, *or* Treatises *touching* Precedence.
V. *Of particular* Questions *and* Decisions *touching* Precedence.

IT were agreeable to the subject to speak largely here of matter of Place and Precedence belonging to the Titles hitherto handled, either as among themselves or with relation to other dignities that are either meerly Officiary, Ecclesiastical, or of other nature whatsoever. *Nulla est quidem contumelia secundi* (says [a] Ausonius) *sed, ex duobus, gloria magna Prælati.* And therefore this matter of place is civilly very considerable. And by reason of the frequent commixture of all kinds of such as have Offices and Dignities and Degrees as well Ecclesiastical as Secular, and for that the reasons of Precedence among all of them are applicable frequently in cases of such as we have handled; therefore the several places and precedence of them all, were proper enough to be disputed here together, though the subordinate titles themselves which we have handled be only such as are Temporal and primarily Honorary. But the same kind of reason also, that was used why in the First Part, no question of Precedence was disputed, perswades here also. We have chosen therefore rather to make only such a summary designation of Laws, Writers, Decisions and some other particulars that chiefly concern *Precedence*, as may give a good and estimable light to Find materials for them that would seriously study the questions of it.

a *In Gratiarum actione.*

I. The antientest cause of Precedence was, it seems, taken from the elder Age or Priority of birth among men that were otherwise of equal dignity. Of that we see some testimonies in the old Testament. And the same case remains in our age in some places where the antient simplicity in things of this nature continues, though they have other manners that are too barbarous. And this cause of precedence was in old *Sparta*, and especially in the College of *Augurs* of *Rome*, where *ut quisq; ætate antecellebat* (as [b] *Cicero* says) *ita sententiæ principatū tenebat, neq; solùm honore antecedentibus, sed iis etiã, qui cum imperio erant, majores natu Augures anteponebantur.* Priority of Choice or Creation among men of the same dignity afterward for the most part gave [c] precedence, as the several eminency or honor of the dignities did among men of several dignities. That eminency or honor in Secular Offices was esteemed by the nature of the Imployment, by the long or short Robe, [d] by the Usefulness of them to the State, by the Power joyn'd with them, and such more, according to the judgment of them that determined it.

b *De senectute.*
c *Agell. lib. 14. cap. 7. &c.*
d *Cicero Orat. pro l. Muræna* & videsis *Quæst. Quodlibetic.* de Toga & sago (*subjunctum* Famiani Stradæ *Prolusionibus Academicis*) *autore* Valerio Andræa.

it. The antienteſt expreſs diſtinction of precedence that I have ſeen of Offices, Dignities and other qualities mixt together, is that in the old ſtate of the Jews which occurrs in their *Miſnaioth* נהן קודם ללוי ולוי לישראל ישראל לממזר ממזר לנתין נתין לגר וגר לעבד משוחרר אימתי כזמן שכולן שוין אבל היה ממזר תלמיד חכם וכהן גדול עם הארץ ממזר תלמיד חכם לכהן גדול עם הארץ that is; *A Prieſt is before a* Levite, *a* Levite *before an* Iſraelite, *an* Iſraelite *before a* Mamzer (or baſtard gotten [c] in inceſt) a *Mamzer* before a *Nethin* (one deſcended of the [f] *Gibeonites*,) *a* Nethin *before a* Proſelyte, *a* Proſelyte *before a* manumitted bondman. *But this is underſtood, ſo long as they be otherwiſe of equal quality. For if a* Mamzer *be well ſtudied in the Law, and the* High Prieſt *a meer ignorant, in ſuch caſe a* Mamzer *is prefer'd before the* High Prieſt. Upon which text of the *Miſnaioth*, in the *Gemara* of [h] *Hieruſalem*, we have a note of like nature that mentions other offices and dignities. חכם קודם למלך מלך קודם לכהן גדול כהן גדול קודם לנביא נביא קודם למשיח מלחמה משוח מלחמה קודם לראש משמר ראש משמר קודם לבית אב בית אב קודם למרכל והמרכל קודם לגוזבר גוזבר קודם לכהן הדיוט כהן הדיוט קודם ללוי לוי לישראל ישראל לממזר ממזר לנתין נתין לגר וגר לעבד משוחרר אימתי בזמן שכולן שוין אבל אם היה ממזר תלמיד חכם וכהן גדול עם הארץ ממזר תלמיד חכם קודם לכהן גדול עם הארץ *A Maſter of the Law* is before the *King*, *The King is before the* High Prieſt, *the* High Prieſt *before the* [Prieſt] *anointed* [i] *for the war, the anointed for the war before a* chief *of any of the* [Prieſts] [k] *courſes, ſuch a Chief* before the head of a Family, *the* head of a Family, *before a Commander* [*of the revenue of the Temple*] *ſuch* a Commander *before a* Treaſurer [of it] a Treaſurer *before an* ordinary Prieſt, an ordinary Prieſt *before a* Levit, *a* Levit *before an* Iſraelite, *an* Iſraelite *before a* Mamzer, *a* Mamzer *before a* Nethin, *a* Nethin *before a* Proſelyte, *and a* Proſelyte *before a* manumitted bondman. *But this is underſtood ſo long as they be all otherwiſe of equal quality. For if a* Mamzer *be well ſtudied and taught in the Law, and the* High Prieſt *a meer ignorant, ſuch a* Mamzer *is before ſuch a* High Prieſt. But this was, it ſeems, only for Places in the Schools or at publick Lectures of their Law. For that of the *Miſna*, on which this later of the King and others, is noted, hath been antiently ſo interpreted by their Doctors that have written the *Thoſpoth* or additional expoſitions upon it. And ſo expreſly notes *Rabbi Abraham* [l] *Zacuth*; הסדר שאומרבסוף הירושות הוא בבית המדרש וכן כתבו התוספות *The Order* (for precedence) *at the end of the Title Horaijoth* (which is before cited) *belongs to the Schools*; *and ſo write alſo the Authors of the Additional expoſitions.* So that the great place and precedence here of a *Maſter of Law*, or a *great Student*, is to be interpreted no otherwiſe than as that of *Accius* in the College of Poets, who knowing his own worth in that Art, would not there riſe to *Julius Cæſar* when he came in, *non majeſtatis ejus immemor* (as *Valerius* [m] ſays) *ſed quod in comparatione communium ſtudiorum aliquanto ſuperiorem ſe eſſe conſideret. Quapropter inſolentiæ crimine caruit, quia ibi Voluminum, non Imaginum certamina exercebantur.* Other particulars there were for place and precedence at the Sacrifices, when perſons of different quality brought them; and in the Courts of Juſtice, which I ſhall ſhew more largely in a work *De Conſeſſu Ebræorum Magno*, or *of the Great Sanhedrin*. But after that mere honorary Titles without imployment, were uſually given by the Emperors *Codicilli honorarii*, very many Laws alſo concerning the eminency and honor of one kind of dignity, officiary, or honorary, or both, before another, with the Reaſons for the moſt part that induced them, were publiſhed in the Empire.

Precedence.

c *Deut.* 23. 2.

f *Joſu.* 9. 23.

h *Talmud. Hieroſolym. tit. Horaijoth fol.* 48. *col.* 2 & *Babylon. ad eund. fol.* 18.

i *Ex lege Deut.* 20. 2.

k *Quales in* 1 *Paralip* 24. & *Luc.* 1. 5.

l *Sepher Juchaſin fol.* 16. 4.

m *Lib.* 3. *cap.* 7.

Precedence.

pire. Out of these and the like, many Customs variously grew in several States, whence also some Laws, severally proper to these States, have been made for the clearing of such Controversies as might arise about precedence. Divers Charters also, and the like. Upon these Customs, Laws, and the rest, many Controversies, Decisions, and Commentaries have succeeded. But, for the order of our summary designation of these; we shall first speak of the *Laws and Decrees of the old Empire* (for out of the reasons of them the Lawyers usually dispute cases of this nature especially) and of some *other States* that concern Precedence of our subordinate dignities; And then adde also such notes of the *Lists*, *Commentaries and Decisions* touching Precedence, as may best conduce to the direction of them that would have more distinct knowledge of it.

II. The antientest Laws in the *Roman* Empire (unless you will except those customs that are dispersed in the elder histories of that Empire touching prerogative of place and voice in the Senate and the like) appear in that of *Ulpian* in the *Pandects tit. de albo scribendo.* Neither is there, I think, in the *Pandects* any other Law that expresly concerns Precedences, although some Doctors[n] take occasion to speak of it upon some others. Afterward very many were made soon after *Constantine*, which, although they were proper to the personal dignities, with Officiary and honorary, of those ages, yet are frequently applicable in rational disquisitions touching the placing of such different dignities as have been bred in the later times. The best collection of these Laws is in the Code of *Theodosius*, especially in his sixth book, the chief part whereof consists of no other kind but such as belong to matter of place and dignity. And to these of the sixth book adde also some in *Lib.* 8. *tit.* 7. & *lib.* 7. *tit.* 3. and *Legum Novellarum Theodosii tit.* 45. *de Honoratis, & quis in gradu præferatur.* Divers of those Laws, with others of the antient Emperors touching precedence, are in *Justinian*'s Code. For the most part, in the twelfth book. But there are other also dispersed, in some other Titles, in that Code of *Justinian* which belong hither. They are usually cited upon obvious occasions by the Lawyers that either writ Commentaries on that twelfth Book, or Treatises or Decisions touching this matter. But I note here also such of them as have occurred to my observation. *C. de Decurionibus L.* 9. *In Albo* (whereto join *C. Theod. lib.* 12. *tit.* 1. *L.* 54.) *tit. de officio Præfect. Prætoriorum Illyrici & Orientis L.* 6. *Præfectorum* (which is brought thither out of the *Synopsis Basilicon lib.* 6. *tit.* 1. *cap.* 12.) *tit. de Officio Vicarii L.* 1. *in Civilibus causis, tit. de Officio Præfecti urbi L.* 3. *Præfectura urbis, tit. de advocatis diversorum judicum L.* 1. *Suggestionem.* Adde to these *Novell.* 24. *cap.* 24. §. *collocatus autem*, of the *Prætor.* of *Pisidia. Novell.* 25. *cap.* 5. §. 2. *sed neque Comitibus*; of the *Prætor* of *Lycaonia*, *Novell.* 26. *cap.* 5. of the *Prætor* of *Thrace*, & *Novell.* 27. *cap.* 2. of the *Comes Isauriæ*, *Novell.* 62. *De ordine Senatorum. Novell.* 70. & 71. & 102. *c.* 1. & 103. *cap.* 1. & *Edict. Justiniani* 4. *c.* 1. in all or the most of which in the *Novels*, we have Laws for ranking some Provincial Magistrates when they were made; as that they should be of the *Spectabiles*, or the like. Now it is true that *Justinian* at the review or *repetita prælectio* of his last Code (which is now used by Lawyers, as the Code

n *Dec. ad l. cum quidff. tit. si certum petatur &c.*

Code which is only authentical for the Imperial Conſtitutions of the elder times) abrogated all other Conſtitutions that were of former time, and not received into that Code. *Quod*[o] *in præſenti purgato* (ſaith he) *& renovato Codice noſtro ſcriptum invenitur, hoc tantummodo in omnibus rebus & judiciis & obtineat & recitetur.* So that where we conſider the Laws of his Code merely as Laws, and ſuppoſe them to have a binding power as Laws at this day, there we have recourſe in vain to thoſe many other that being in that of *Theodoſius* were excluded out of this of *Juſtinian*, which (according to the ſence of his Charter of confirmation upon his review) ſtand wholly repealed. But the whole body of the old Imperial Law is no where at all in force. And beſide the City of *Rome*[p] and ſome other parts in *Italy* and *Germany*, and the Kingdom of *Portugal* (where in thoſe caſes only, for which the ordinances of the ſame Kingdom have not ſpecial proviſion, theſe Imperial Laws, if the caſe be ſuch as that it *nom tragua peccado* or *be not ſpiritual*, are by an Ordinance[q] there made of force) there is no State can be named wherein any part of the body of thoſe Imperial Laws hath the juſt force of a Law, otherwiſe than as cuſtom hath particularly induced it. And where no ſuch ſetled cuſtom hath made it Law, there it hath force only according to the ſtrength of Reaſon and Circumſtance joined with it, or as it ſhews the opinion and judgment of them that made it, but not at all as if it had any commanding power of obedience. That is, *valet pro ratione* (as a great Lawyer[r] ſayes) *non pro inducto jure; & pro ratione quantum Reges, Dynaſtæ & Reſpublicæ intra poteſtatis ſuæ fines valere patiuntur.* But this he ſaies more eſpecially for *France*. And for *Spain*; *Didacus Perez*[s] expreſly; *Hiſpani duplex habent jus ſolum, Canonicum ſcilicet & Regium. Civile enim* (meaning the Imperial Laws) *non habet vim Legis ſed Rationis.* The ſame may be ſaid of other Kingdoms and States, which being free from all ſubjection to the Empire, have Laws of their own, that in many Volumes are publickly ſold, and exclude all Imperial power and Law otherwiſe than as cuſtom hath variouſly made ſome admiſſion.

Precedence.

o De emendat. Codicis.

p Statut. urbis Romæ lib. 2. cap. 41.

q O Segundo libro das Ordenazones tit. 5.

r Bertrand d' Argentr. *ad Rubric. Conſuet. Britanniæ tit. 22. vide item* Choppin. *de Domanio lib. 2. tit. 15. §. 5.*

s *Ad Ordinat. Reg. quæſt. proœmial. 3.* & videſis Alphonſin. *part. 1. tit. 1. l. 15. part. 2. tit. 4. l. 6. & lib.* Gregor. Lopez *& ad part. 5 tit. 14.* Azeved. *ad Rubric. tit.* de las Leys *in Reg. Conſtit item* Taurin. *l. 2.* Vide item de Scotia *Parla. 3 Jacobi 4. cap. 79. et* de aliis Regnis *Hieronym. Gigantem de crimine læſæ majeſtatis lib. 3. quæſt. 23. §. 18. & 19 & Ludovic. Vivem de cauſis corrupt. Art. 7, &c.*

Becauſe therefore that among the Laws touching Precedence in *Juſtinian*, divers are that have not yet been ſo received every where by cuſtom that they have obtained the full force of Laws, but remain uſeful only as they have authority in ſhew of Reaſon, which binds not always alike as a Law doth, but varies according to circumſtance of time, place, ſtate, age and what other convenience or inconvenience meets with it: and for that the Laws in *Theodoſius*, which are not received into *Juſtinian* his Code, conſidered only from the reaſon of them, are ſtill of as great force as thoſe in *Juſtinian*'s that are not become Laws by particular cuſtom (that is, they are both eſtimable by the Reaſon found in them and applied to the caſe emergent) and becauſe alſo divers of the Laws received into *Juſtinian* out of *Theodoſius*, may be explained and mended by what remains of them in *Theodoſius*, we have deſigned aſwell thoſe of the one Code as of the other, that ſo the Reader of *Juſtinian*'s to this purpoſe (the moſt of Readers, or too many, of the old Imperial Laws, read only *Juſtinian* or parts of him) may the more eaſily take better delight by comparing thoſe in him with what is of them, more largely or more perfectly, in *Theodoſius*, than perhaps any ordinary Comment will afford him. With that of *L. unic. C. tit. de Equeſtri dignitate*, See *Cod. Theod. lib. 6. tit. 36.* with

Precedence. with *C. tit. ut dignitatum ordo ſervetur, l.* 1. See *Cod. Theodoſ. lib.* 6. *tit.* 5. *l.* 2. with *C. tit. de privilegiis eorum qui in ſacro palatio militant l.* 4. *Omnes*, See *C. Theodoſ. lib.*6.*tit.*35.*l.*13. with *C. tit. de domeſticis protectoribus l.*1. *Domeſtici*, See *C. Theod. lib.*6.24.*l.*4. (but that is only for amending the Inſcription which ſhould be *Valentinianus*, *Theodoſius* and *Arcadius*, not *Valent. & Valens*, as the Conſuls there alſo ſhew) with *C. tit. de proximis ſacrorum ſcriniorum l.* 3. *in ſcriniis*, See *C. Th. lib.* 6. *tit.*26. *l.*8. with *C. tit. de Comitibus Conſiſtorianis l. unic.* See *C. Theod. lib.*6.*tit.*12.*l. unic.*; with *C. tit. de Comitibus qui provincias regunt l.* 1. See *C. Th.lib.*6.*tit.*17. with *C. de Comitibus & Tribunis ſcholarum l. unic.* See *C. Th. lib.*6. *tit.*13. with *C. tit. de proximis ſacr. ſcrin. l.*5. See *C. Th. l.* 6. *tit.*26. *l.* 16. with *C. tit. de præpoſitis laborum*, See *C. Th. lib.* 6. *tit.* 25. vvith *C. de Præpoſitis ſacri cubiculi l.* 1. See *C. Th. lib.* 6. *tit.*8. *l.*1. with *C. tit.de Profeſſoribus qui in urbe Cp.l.unic.* See *C. Th. lib.*6.*tit.*20. and to conclude theſe, with *C. tit. de Conſulibus l.* 1. *antiquitus* (which is of great uſe in matter of Precedency) See that in the *Novells* of *Theodoſius tit.de Honoratis* 45. as the number is in the edition of his Code & 46. as it is in the collection of the *Novells* of the old Emperors firſt publiſhed by *Petrus Pithœus*. For by that of *Theodoſius*, was the other in part at leaſt repealed; as *Pithœus* alſo notes, although it were revived by *Juſtinian*'s authority added to it in the inſtrument of confirmation of his Code. To the Laws of the antient Empire adde alſo *Caſſiodor. Var.lib.*6.*form.*10. & 6. and divers more paſſages in him, that will ſoon be found by the nature of his prefixed titles. For the preſent Empire; ſee the *Aurea Bulla* of the Emperor *Charles* the fourth *tit.* 3. & 4. touching the places of the Electors and other Princes there. And *Charles* the fifth his Conſtitutions of the place and Precedence of the Princes of the Empire,and ſome others in 1530, which you have in *Goldaſtus* his *Conſtit. Imperiales tom.*3. *pag.*511. *&c.* to which adde alſo *Petrus Denaiſius* his *Jus Camerale tit.*210.

III. For *France*, *Spain* and other Forrein Countries; the Volumes of their Laws and Lawyers have obviouſly particulars concerning Place and Precedence of their Magiſtrates and Dignities. And what we have before delivered concerning Titles of Honor, gives often light to matter alſo of Place and Precedence among them, as alſo of the like in *England*; But in *England* I obſerve here chiefly thoſe Decrees, one by power of Parlament under *Henry* the eighth, concerning the Ranks of Nobility, the greater Clergy and ſome of the greater Offices of State, and two other concerning Baronets and ſome other dignities made by King *James*. That Act of Parlament under *Henry* the eighth is in theſe words. It is not in the Printed Statutes, though ſome others have alſo formerly [u] publiſhed it, but not exactly enough according to the Bill that paſſed of it; Thence we literally give it here.

[u] *Milles* in the Catalogue of Honor, *pag.* 62.

The Title of it indorſed on the Bill, is;
For placing of the Lords.

FOr as much as in all great Councels and Congregations of men, having ſundry Degrees and Offices in the Common-wealth, it is very requiſite and convenient that an order ſhould be had and taken for the placing and ſitting of ſuch

ſuch perſons as have been bounden to reſort to the ſame, to the intent that they knowing their places, may uſe the ſame without diſpleaſure or let of the Counſel. Therefore the King's moſt Royal Majeſty, although it appertaineth unto his Prerogative Royal to give ſuch Honor, Reputation, and Placing to his Counſellors and other his ſubjects, as ſhall be ſeeming to his moſt excellent wiſdom, is nevertheleſs pleaſed and contented for an order to be had and taken in his moſt high Court of Parlament, that it ſhall be enacted by authority of the ſame, in manner and form as hereafter followeth. *Precedence.*

Firſt, it is enacted by the Authority aforeſaid, that no perſon or perſons of what eſtate, degree, or condition ſoever he or they be of (except only *the Kings Children*) ſhall at any time hereafter attempt or preſume, to ſit or have place at any ſide of *the Cloth of Eſtate in the Parlament Chamber*, nother of the one hand of the Kings Highneſs, nor of the other, whether the Kings Majeſty be there perſonally preſent or abſent. And for as much as the Kings Majeſty is juſtly and lawfully Supreme head in earth under God of the Church of *England*, and for the good exerciſe of the ſaid moſt Royal Dignity and office, hath made *Thomas* Lord *Cromwell*, and Lord Privy Seal, his *Vicegerent* for good and due miniſtration of Juſtice, to be had in all cauſes and caſes *touching the Eccleſiaſtical juriſdiction*, and for the godly reformation and redreſs of all Errors, Hereſies, and Abuſes in the ſaid Church; It is therefore alſo enacted by authority aforeſaid, that he the ſaid Lord *Cromwell* having the ſaid Office of *Vicegerent*, and all other perſons which hereafter ſhall have the ſaid Office of the grant of the Kings Highneſs, his heirs or ſucceſſors, ſhall ſit and be placed, aſwell in this preſent Parlament, as in all Parlaments to be holden hereafter, on the *right ſide of the Parlament Chamber*, and upon the ſame form that the Archbiſhop of *Canterbury* ſitteth on, and *above the ſame Archbiſhop* and his ſucceſſors, and ſhall have voice in every Parlament to aſſent or diſſent, as other the Lords of the Parlament.

And it is alſo enacted, that next to the ſaid *Vicegerent*, ſhall ſit *the Archbiſhop of Canterbury*, and then next to him on the ſame form and ſide, ſhall ſit *the Archbiſhop of York*: and next to him on the ſame form and ſide *the Biſhop of London*, and next to him on the ſame ſide and form, the *Biſhop of Dureſme*; and next to him on the ſame ſide and form, the *Biſhop of Wincheſter*, and then all the other Biſhops of both

Precedence. Provinces of *Canterbury* and *York*, ſhall ſit and be placed on the ſame ſide after their Antienties, as it hath been accuſtomed.

And foraſmuch as ſuch other perſonages which now have, and hereafter ſhall happen to have other great Offices of the Realm; that is to ſay, the Offices of the *Lord Chancellor*, the *Lord Treaſorer*, the *Lord Preſident of the Kings moſt Honourable Councel*, the *Lord Privy Seal*, the *Great Chamberlain of England*, the *Conſtable of England*, the *Marcyal of England*, the *Lord Admiral*, the *Grand Maſter* or *Lord Steward of the Kings moſt Honourable Houſhold*, the *Kings Chamberlain*, and the *Kings Secretary* hath not heretofore been appointed and ordered for the placing and ſitting in the Kings moſt high Court of Parlament, by reaſon of their Offices; It is therefore now ordained and enacted by the Authority aforeſaid, that the *Lord Chancellor*, the *Lord Treaſorer*, the *Lord Preſident* of *the Kings Councel*, and *Lord Privy Seal*, being of the *degree of Barons* of the Parlament *or above*, ſhall ſit and be placed aſwell in this preſent Parlament, as in all other Parlaments hereafter to be holden, on the left ſide of the ſaid Parlament Chamber on the higher part of the form of the ſame ſide, *above all Dukes*, except only ſuch as ſhall happen to be the *Kings Son*, the *Kings brother*, the *Kings uncle*, the *Kings Nephew*, or *the Kings brothers* or *ſiſters Sons*.

And it is alſo ordained and enacted by Authority aforeſaid, that the *Great Chamberlain*, the *Conſtable*, the *Marcyal*, the *Lord Admiral*, the *Great Maſter* or *Lord Steward*, and the *Kings Chamberlain*, ſhall ſit and be placed after the *Lord Privy Seal*, in manner and form following: that is to ſay, every of them ſit and be placed above all other perſonages being of *the ſame eſtates or degrees* that they ſhall happen to be of; that is to ſay, the *Great Chamberlain* firſt; the *Conſtable* next, the *Marcyal* third, the *Lord Admiral* the fourth, the *Grand Maſter* or *Lord Steward* the fifth, and the *Kings Chamberlain* the ſixth.

And it is alſo enacted by Authority aforeſaid, that the Kings *Chief Secretary*, being of the *degree of a Baron* of the Parlament ſhall ſit and be placed afore and *above all Baronies*, not having any of the Offices aforementioned. And if he be *a Biſhop*, that then he ſhall ſit and be placed above all other Biſhops, not having any of the Offices above remembred.

And

And it is alſo ordained and enacted by Authority aforeſaid, that all *Dukes* not aforementioned, *Marqueſſes*, *Earls*, *Viscounts*, and *Barons*, not having any of the Offices aforeſaid, ſhall ſit and be placed after their Auncyentiez, as it hath been accuſtomed. *Precedence.*

And it is further enacted, that if any perſon or perſons, which at any time hereafter ſhall happen to have any of the ſaid Offices of *Lord Chancellor*, *Lord Treaſurer*, *Lord Preſident* of the Kings Counſel, *Lord Privy Seal*, or *Chief Secretary*, ſhall be under the degree of *a Baron* of the Parlament, by reaſon whereof they can have no intereſt to give any aſſent or diſſent in the ſaid houſe, that then in every ſuch caſe, ſuch of them as ſhall happen to be under the ſaid degree of *a Baron*, ſhall ſit and be placed at the *uppermoſt part of the Sakkes*, in the midſt of the ſaid Parlament Chamber, either there to ſit upon one form, or upon the uppermoſt Sakke, the one of them above the other, in order as is above rehearſed.

Be it alſo enacted by Authority aforeſaid, that in all trials of Treaſons by *Peers* of the Realm, if any of the *Peers*, that ſhall be called hereafter to be Triors of ſuch treaſons ſhall happen to have any of the Offices, aforeſaid, that then they having ſuch Offices ſhall ſit and be placed according to their Offices, above all the other Peers that ſhall be called to ſuch trialls in manner and form as is abovementioned and rehearſed.

And it is alſo enacted by Authority aforeſaid, that aſwel in all *Parlaments*, as in the *Starchamber*, and in all other *Aſſemblies* and *Conferences of Counſel*, the *Lord Chancellor*, the *Lord Treaſorer*, the *Lord Preſident*, the *Lord Privy Seal*, the *Great Chamberlain*, the *Conſtable*, the *Marcyal*, the *Lord Admiral*, the *Grand Maſter*, or *Lord Steward*, the *Kings Chamberlain*, and the *Kings Chief Secretary* ſhall ſit and be placed in ſuch order and faſhion, as is above rehearſed, and not in any other place by authority of this preſent Act.

In the [x] Roll of that Parlament, the title of it is *An Act concerning placing of the Lords in the Parlament Chamber and other Aſſemblies and Conferences of Counſel.* Concerning the paſſing it, it is obſervable out of the Journal of the Lords houſe of that year, that on Munday the firſt day of *May* being the third day of the Parlament, the Lord Chancellor *quandam introduxit billam concernentem aſſignationem locorum quorundam Procerum & Capitalium officiorum hujus regni Angliæ viz. Vicegerentis* [x] Rot. Parl. 31 Hen. 8. n. 10.

Precedence.

rentis Domini Regis in Spiritualibus, Domini Cancellarii, Domini Thesaurarii & aliorum in eadem billa declaratorum, quam quidem billam affirmabat Regiam Majestatem jussisse fieri, ut per eandem dicti Proceres sua loca cognoscentes contentionem in posterum evitarent. And it had that day two readings. The Lord *Crumwel*, being Vicegerent in the Spiritualities, was placed as a Baron (in the Journal) between the Lord *Hungerford* of *Hatisbury* and the Lord *Audley* of *Walden* that was Chancellor, both on that day and for divers days after. But he is not noted to have been present. The next day it had a third reading by the name (in the Journal) of *billa concernens assignationem locorum quorundam Procerum.* On Friday following or the ninth of *May*, it was read a fourth time. The Journal saies, *in pergamenum redacta jam denuo est lecta.* On the morrow, the Lord *Crummel* by the name of *Dominus* Crumwel *Vicegerens Domini Regis in Spiritualibus* is placed before the Archbishop of *Canterbury.* And the Lord *Audeley* with the name of Chancellor, the Earl of *Oxford* with the name of Chamberlain of *England*, and the Earl of *Southampton* with the name of Admiral are placed, according to the Act; being before otherwise placed, without regard to their Offices. But it was not returned up from the House of Commons, with their assent, till the Monday following, as appears by the same Journal.

y *Rot. Pat. 10 Jacobi part. 10. membr. 8.*

The first Decree concerning Baronets, is thus, as it is [y] enrolled. But it was Printed heretofore also by the command of King *James.*

JAmes, *by the grace of God, King of* England, Scotland, France, *and* Ireland, *Defender of the Faith, &c.*

To all to whom these presents shall come, Greeting. Know ye that We have made a certain Ordinance, Establishment and final Decree, whereof the tenor followeth in these words.

The Decree and Establishment of the Kings Majesty, upon a controversie of Precedence, between the younger Sons of *Viscounts* and Barons, and the Baronets, and touching some other points also concerning, aswel Bannerets, as the said Baronets.

The Kings most excellent Majesty, having upon the Petition, and submission of both parts, taken into his Royal audience and censure, a certain controversie, touching Place and Precedence, between the younger sons of Viscounts *and* Barons, *and the* Baronets *(being a degree by his Majesty newly created) which controversie did arise upon an inference only out of some dark words contained in the* Letters Patents *of the said* Baronets: *And having in person heard both parts, and their learned Counsel, three several days at large after information taken from the Heraults, and due consideration of such proofs as were produced on both sides, hath declared and decreed as followeth.*

His

His Majeſty well weighing that the Letters Patents *of the* Baronets *have no ſpecial clauſe or expreſs words to give unto them the ſaid Precedence; and being a witneſs unto himſelf (which is a teſtimony above all exception) that his Princely meaning was only to grace, and advance this new Dignity of his Majeſties erection; but not therewithall any ways to wrong tacitely, and obſcurely a third party, ſuch as* the younger ſons of Viſcounts and Barons *are, in that which is a flower of their fathers Nobility:* Precedence.

And having alſo had the atteſtation of the Lords *of his Privy Counſel, who did declare that the Precedence (after debate and deliberation, while the Patent of the Baronets was in conſultation) was with one conſent reſolved and ordered for the* younger ſons of the Viſcounts and Barons.

And finding alſo that the clauſe whereby the Precedence is challenged by the Baronets, *as by a kind of conſequence in regard of place given unto them above ſome* Bannerets, *doth not warrant their claim (for as much as the Precedence between the* Bannerets *themſelves, and the* younger ſons of Viſcounts and Barons, *appeareth not to have been regular or certain, but full of confuſion and variety, and therefore not ſufficient whereupon to ground ſuch their pretence) but being chiefly moved by the clearneſs by his Majeſties Royal intent, and meaning, and the explanation thereof by his Councel, (which his Royal meaning doth, and ever muſt lead his Majeſties judgment in the interpretation of his own Acts) hath finally ſentenced, adjudged, and eſtabliſhed, that* the younger ſons of Viſcounts and Barons, *ſhall take place and Precedence before all* Baronets.

And further, the better to ſettle, and clear alſo all queſtion of Precedence that may concern either Bannerets, *or the* younger ſons of Viſcounts or Barons, *or the ſaid* Baronets, *either as they have relation amongſt themſelves, or towards others reſpectively: His Majeſty for himſelf, his heirs and ſucceſſors, doth ordain and eſtabliſh, that ſuch* Bannerets, *as ſhall be made by the Kings Majeſty, his heirs and ſucceſſors under his or their* Standard diſplayed *in an Army Royal in open war, and the King perſonally preſent, for the term of the lives of ſuch* Bannerets, *and no longer (according to the moſt antient, and noble inſtitution) ſhall for ever hereafter in all places and upon all occaſions, take place, and Precedence aſwell before all other* Bannerets *whatſoever (no reſpect being had to the time, and priority of their Creation) as likewiſe before the* younger ſons of Viſcounts and Barons, *and alſo before all* Baronets. *And*

Precedence.

And again, that the younger ſons of Viſcounts and Barons, *and alſo all* Baronets, *ſhall in all places, and upon all occaſions, take place and Precedence before all* Bannerets, *whatſoever, other than ſuch as ſhall be made by the King himſelf, his heirs and ſucceſſors in perſon, and in ſuch ſpecial caſe, manner and form as aforeſaid.*

Nevertheleſs, for a ſingular honor to the perſon of the moſt high and excellent Prince Henry *now Prince of* Wales, *his Majeſties eldeſt ſon, aſwel the* younger ſons of the Viſcounts *and* Barons, *have voluntarily conſented and agreed at the hearing of the ſaid cauſe, in the preſence of his Majeſty, and his Privy Councel, and all the hearers, to give place and Precedence, to ſuch* Bannerets, *as ſhall be hereafter made by the ſaid moſt Noble* Henry *now Prince of* Wales, *under the Kings* Standard diſplayed *in an Army Royal in open war, and the ſaid Prince there perſonally preſent.*

Saving the right of the younger ſons of Viſcounts and Barons, *and of the ſaid* Baronets, *and of the heirs males of the bodies of ſuch* Baronets, *for the time being, in all other caſes according to the effect, and true intent and meaning of their* Letters Patents, *and of theſe preſents.*

And his Majeſty doth likewiſe by theſe preſents, for himſelf, his heirs and ſucceſſors ordain, that the Knights of the moſt Noble Order of the Garter, the Privy Counſellors *of his Majeſty, his heirs and ſucceſſors, the* Maſter of the Court of Wards and Liveries, the *Chancellor* and under-Treaſorer of the Exchequer, Chancellor of the Duchy, *the* Chief Juſtice of the Court *commonly called the* Kings Bench, *the* Maſter of the Rolls, *the* Chief Juſtice of the Court of Common Pleas, *the* chief Baron of the Exchequer, *and all other the* Judges *and* Barons *of the degree of the* Coife *of the ſaid Courts, now, and for the time being, ſhall by reaſon of ſuch their Honourable order, and employment of State and Juſtice, have place and Precedency in all places, and upon all occaſions before the* younger ſons of Viſcounts and Barons *and before all* Baronets, *Any cuſtom, uſe, ordinance, or other thing to the contrary notwithſtanding. But that no other perſon or perſons, whatſoever, under the degree of* Barons of Parlament, *ſhall take place before the ſaid* Baronets, *except only the* eldeſt ſons of Viſcounts and Barons, *and others of higher degree, whereof no queſtion ever was, or can be made. And ſo his Majeſties meaning is, and accordingly he doth by theſe preſents, for him, his heirs and ſucceſſors, ordain, and*

decree

decree, that the ſaid Baronets, and the heirs males of their bodies, *ſhall in all places, and upon all occaſions for ever, have, hold, and enjoy their* place *and* Precedencie, *next unto, and immediatly after* the younger ſons of Viſcounts and Barons; *and that no perſon or perſons, nor State or States of men, ſhall have or take place between them, Any Conſtitution, Order, Degree, Office, Service, Place, Imployment, Cuſtom, Uſe, or other thing whatſoever now or hereafter to the contrary notwithſtanding.* Precedence.

And that the wives of the ſaid Baronets, and of the heirs males of their bodies, *ſhall likewiſe by vertue of the ſaid Dignity of their ſaid husbands, in all places, and upon all occaſions, have, take and enjoy their* place *and* Precedency *during their lives, next unto, and immediatly after that place that is due and belongeth unto the* wives of the younger ſons of Viſcounts and Barons, *and to the* daughters of ſuch Viſcounts and Barons, *Any Conſtitution, Uſe, Cuſtom, Ordinance, or other thing whatſoever, now or hereafter to the contrary in any wiſe notwithſtanding.*

And further his Majeſty doth by theſe preſents, for him, his heirs and ſucceſſors, of his certain knowledge and mere motion, promiſe and grant to the ſaid Baronets, *and every of them already created, and hereafter to be created, and the heirs males of their bodies, That neither his Majeſty, nor his heirs or ſucceſſors, ſhall or will at any time hereafter erect, ordain, conſtitute or create any other Degree, Order, Name, Title, Stile, Dignity or State, nor will give place, Precedency or preheminence to any perſon or perſons whatſoever, under or beneath the Degree, dignity or State of* Lords of Parlament *of this his Realm of* England, *which ſhall or may be taken, uſed or accompted to be higher, before, or equal to the Degree, dignity or place of the ſaid* Baronets, *or any of them. And therefore his Majeſty doth for him, his heirs and ſucceſſors ordain, grant, and appoint by theſe preſents, that all and every of the ſaid* Baronets, *and their ſaid heirs males, and the* wives, ſons, ſons wives, *and* daughters of the ſaid Baronets, *and of their ſaid heirs males, ſhall, and may for ever hereafter, freely and quietly have, hold, and enjoy their ſaid Dignities, Places, Precedency, and Privileges before all other which are or ſhall be created of ſuch Degrees, States, Dignities, Orders, Names, Stiles, or Titles, or to whom ſuch place, Precedency, or Preheminence ſhall be ſo given as aforeſaid; their wives & children reſpectivly, according to the true intent and meaning of theſe preſents:*

Sav-

Precedence.

Saving nevertheleſs to his Majeſtie, his heirs and ſucceſſors, full and abſolute power and authority to continue or reſtore to any perſon or perſons from time to time ſuch place and precedencie, as at any time hereafter ſhall be due unto them, which by any accident or occaſion whatſoever ſhall be hereafter changed, any thing in theſe preſents, or other cauſe or reſpect whatſoever to the contrary notwithſtanding.

And then follow thoſe particulars which are before remember'd at the end of the 47 Section of the fifth Chapter. Some four year after this, there paſſed under the great Seal the other Decree concerning this dignity, which is a brief [a] recital of the firſt erection of it, and that other concerning it, and a declaration of the King's purpoſe that it ſhould continue, and that the privileges formerly granted to it ſhould always be held, and then ;

[a] *Rot. Pat. 14 Jacobi part. 2. num. 24 13 Martii.*

For as much as the degree of a Baronet *is an hereditarie degree in blood. Therefore we do declare that the* eldeſt ſons *of the ſame* Baronets *and their* Wives, *as well during their husbands lives as after, And the* daughters *of the ſame* Baronets, *the ſaid* daughters *following next after the ſaid* wives *of the eldeſt ſons of the ſame* Baronets ; *ſhall have place and precedencie before the* eldeſt ſon *and* wife of the eldeſt ſon of any Knight *of what degree or order ſoever. And likewiſe that the* younger ſons of the ſame Baronets *and their wives, as well during their husbands lives as after, ſhall after the ſame manner have place and precedencie next after the* eldeſt ſons, *and the* wives of the eldeſt ſons, *and before the* younger ſons, *and before the* wives of the younger ſons *of any of* the Knights *aforeſaid. And our will and pleaſure is, And we do for us our heirs and ſucceſſors hereby further grant and appoint, That if any doubts or queſtions, not hereby nor by any our recited Letters Patents cleared and determined, do or ſhall ariſe concerning any place, precedencie, privilege, or other matter touching or concerning any place, precedency, privilege, or other matter touching or concerning the ſame* Baronets *and the heirs males of their bodies and* their wives, their eldeſt ſons and their wives, their daughters, their younger ſons, *and* their younger ſons wives, *or any of them, ſuch doubts or queſtions ſhall be decided and determined by and according to ſuch uſual rules, cuſtoms, and Laws for place, precedencie, privilege or matters concerning them as other degrees of dignity hereditary are ordered and adjudged.*

With theſe, in the diſquiſitions about the Laws of Precedence with us, conſider alſo the Royal Decrees or declarations touching it in divers Patents to ſingular perſons which I only quote (that they may be the eaſier found) withoutany particulars here taken out of them. Obſerve that to the firſt Vicount *Beaumont* in *Pat.* 23 *Hen. 6. part. 2. membran.*

membran. 21. (part of which is cited before §. 31.) that to *Henry Beauchamp* Earl of *Warwick* in *Pat.* 22 *Hen.6.n.*35. and to him being Duke, *Rot.Cart.*23 *Hen.6.mem.*26.*n.*24. that to *Richard Nevil* Earl of *Warwick* in *Pat.* 28 *Hen.6.part.*2.*m.*23. *Cart.*25 *H.* 6. *n.* 31. to *Humfrey* Duke of *Buckingham*, *Pat.*24 *H.*8.*part.*1. for the precedence of the Lady *Anne Rochford* created Marchioneſs of *Pembroke*; *Pat.* 14 *Elizab. part.* 9. to *Walter* Earl of *Eſſex*; *Pat.*4 *Jacobi R.part.*1. *primo Junii*; that of *Pat.* 16 *Jac.R.part.*14. to *Charles* Earl of *Nottingham*, and *Pat.*2 *Car.R.part.*5.*n.*17. *Precedence.*

For Eccleſiaſtical dignities, ſee eſpecially the firſt ſix Books of the excellent Epitome *Veteris Juris Pontificii* of *Antonius Auguſtinus*, where the many Canons that concern them are noted. Take alſo Pope *Eugenius* the fourth his Bull for the precedence of the old Patriarchats in *Laertius Cherubinus* his *Bullarium tom.*1. *Conſtit.*17.*pag.*285. And, for the precedence of Biſhops and of Protonotaries, See *Conſtit.*4. of *Pius* the ſecond in the ſame *Bullar. tom.* 1. *pag.*316. of the Advocats of the Pope's Conſiſtory, *Conſtit.*62. of *Sixtus Quintus ib. tom.*2.*pag.*589. of the Secular Canons of S. *George* in *Alga* before the Canons of the *Lateran* Congregation *Conſtit.*127. of *Pius Quintus ibid. tom.*2.*pag.*340. Of the Precedence of thoſe of *Lateran* before the *Benedictine* Monks of *Caſſino*, and all other Regulars *Conſtit.* 75. of *Pius quartus tom.* 2.*pag.* 106. & *Conſtit.* 116. of *Pius Quintus tom.eod.pag.*324. Divers other Bulls are in the ſame Bullary concerning the Precedence of the *Ciſtercian* Monks, *Carmelite* and *Franciſcan* Friars, and divers other that are obviouſly found in it.

IV. The *Liſts* that ſhew Practice and Cuſtom in matter of Precedence, are ſeen in the publiſhed aſſemblies of the States and other Solemnities of Coronations, Funerals, and the like in ſeveral Kingdoms. For the Empire, *Goldaſtus* hath ſome in the beginning of the firſt Tome of his *Conſtitutiones Imperiales*, *Modius* in his *Pandectæ Triumphales*; others alſo that write *de ſtatibus*, or *de Juriſdictione Imperii*, uſually. And for the old Duchy of *Bretagne*, ſee *Bertrand d' Argentre* in his hiſtory of it, *fol.*95. In *England*, divers, of Coronations and Funerals eſpecially, remain with the Heralds, and ſome [b] are publiſhed. Of the ſame nature with Liſts are the namings of Dignities in Commiſſions, Acts of Parlament, Subſcriptions, and the like. The *Commentaries* are either ſuch as are written on the Text of the Imperial or other Laws, or in ſeveral Treatiſes. Thoſe upon the texts of the Imperial Laws are almoſt as eaſily found as the texts themſelves. And although divers paſſages concerning Precedence are in the Commentaries on texts both of the Imperial and other Laws, that of their own Nature have no relation to precedence, yet theſe alſo are ſo much uſed with the reſt by ſuch as have in ſeveral Treatiſes diſputed of Precedence, that there reſts not much difficulty of finding them. But oftentimes you ſhall meet with queſtions diſputed with relation to one Country that were ridiculous to name in another, as *An Comes* [c] *Præferatur qui antiquior recentiori qui majorem obtinet dignitatem.* And *Utrum Comes cui noviter obvenit Comitatus paternus & antiquus præferatur Comiti noviter facto antequam illi Comiti perveniſſet feudum ex ſucceſſione* and the like. The ſeveral Treatiſes uſeful here are very many. That of *Leonellius Bartholinus* mentioned before where we ſpeak of Precedence between ſupreme Princes, for the moſt part concerns only ſubordinate dignities. And the other Treatiſes there mentioned have much that is applicable to queſtions that may concern ſubordinate dignities

b *Milles* in the Catalogue of Honor, *pag.* 67 &c.

c *Matth. de Afflictis prælud. in Conſtit. Neapolit. quæſt.*26.

Precedence.

also. With these we may reckon Treatises inscribed *de Nobilitate*, *de Dignitatibus*, or with Titles of that nature, as *Tiraquellus*, *Rebuffus*, *Bonus de Curtili*, *Josias Nolden*, *Chassanæus* his *Catalogus Gloriæ mundi*, Sir *William Segar Garter* his *Honour Military and Civil*, *Ferne's* Glory of Generosity, *Charles Loyseau des Seigneuries*, *Camden's Ordines Angliæ* in his *Britannia*, and the like. Every of these dispute something of Precedence. The same may be said of the Writers *de singulari certamine* as *Alciat* and such more, and of them that write *de Jurisdictione*, or *de statibus Imperii*, as *Tobias Paurmeister*, *Matthias Stephani*, *Reinhardus Konings*, and the rest of that kind with *Garsia Mastrillo lib.* 4. *de Magistratibus cap.* 14. *de Jure prærogativæ inter Titulatos.* Add especially also *Marcellus Coreyrensis* his *Sacrarum Ceremoniarum liber.* Where much is touching the ranking of dignities as well Temporal as Spiritual. In the Treatises also of place between Ecclesiastical dignities or degrees of the Universities, such reasons and authorities are commonly used as may be applied likewise to Temporal dignities. See therefore *Ugonius* Bishop of *Famagoza* his question *quo ordine sedere, & se subscribere debeant Prælati in Concilio*, in his *Synodia Ugonia*, Cardinal *Jacobatius in lib.* 1. *de Concilio art.* 1. §. 103, where the places of all the most eminent Titles Ecclesiastical, are handled, *Navarr.* his *Consilia l.* 1. *tit. de Majoritate & Obedientia*, *Marta de Jurisdictione lib.* 1. *cap.* 16. *Barlaam* περὶ τῆς Παπικῆς ἀρχῆς, *Michael Rousset Hist. Pontificiæ Jurisdictionis lib.* 2. *cap.* 10, *& lib.* 3. *cap.* 2. besides those that write of Councels, Cardinals, and the like, *Sbrozzius de officio Vicarii Episcopi lib.* 2. *cap.* 25 *&c.* Add *Stephanus Gratianus*, *Disceptat. Forens. part.* 1. *cap.* 106, *&* 111, *& part.* 2. *cap.* 298, and *Antonius Massa* his *Informationes & Allegationes* for the place of the Abbots of the Congregation of *Casino* against the Regular Canons of *Lateran* printed at *Venice* 1562. See also *Georgius de Cabedo* in his Decisions of the supreme Court of the Kingdom of *Portugal lib.* 1. *Decis.* 5. *De præcedentia Senatorum Palatii*, where these two questions are, I. *Utrum ille qui prius actualem possessionem cepit & officium exercuit, sit præferendus illi qui prior fuit in data, & prius literas gratiæ per Cancellariam expedivit; in quibus continebatur quod Princeps eum statim in possessionem mittebat.* II. *Utrum ille qui prius actualem possessionem cepit, præcedat illum, qui provisionem Regiam habet in qua ei continetur, ut ei antiquitas curret à tempore & data prioris Provisionis.* In *Antonius à Gama* his Decisions of the same Court also, *Decis.* 1, divers particulars are disputed concerning as well Temporal as Ecclesiastical Precedence. *Castillo de Bovadilla* in his *Politica para Corregidores &c. tom.* 2. *lib.* 3. *cap.* 2, disputes likewise *De las Precedencias y assientos de los Corregidores y Sus Tenientes.* See also *Azorius Instit. Moral. part.* 2. *lib.* 11. *cap.* 8, 9, 10 *&* 11, *& Francis. Vasquez in Præfat. ad Illustres Controvers.* §. 126 *& seqq. Hugonius Matthæacius*, a Professor at *Padua* his Apology or disputation about Precedence between Doctors of Law and Knights, at the end of his book *de Via & Ratione artificiosa universi Juris* printed at *Venice* 1591, and *Johannes Baptista Magonius* his *Lucerna Moralis*, at *Padua* 1602, *part.* 1. *cap.* 19, 20, 21. *&c.*

d *Juris Publici tom.* 2. *discurs.* 18.

V. The antientest question that I remember mentioned concerning Precedence judicially raised between Temporal dignities, since the time of the Roman Empire (between Ecclesiastical, the questions are as antient as the differences between *Rome* and any other of the old Patriarchats; and the Decisions of them, according to the persuasion of

of the sides that dispute it, curr in stories and other writers of the Church, and divers more betixt Ecclesiastical persons have been antienter than any that I find bween Temporal) is that in a Parlament at *Nantes* held in 1087, und *Alan Fergent* Duke of *Bretagne*, where the priority of place was qu tioned between the *Seigneur d' Ancenis* and the *Seigneur du Pont*. Bu because the proofs were not clear enough on either part, the matter as adjourn'd till another time, with this ordinance concerning it, tha in that Parlament the *Seigneur du Pont* should have precedence and sit as the ninth Baron, and before the *Seigneur d' Ancenis*, and that in the next Parlament the *Seigneur d' Ancenis*, should have like priority before him; and that so they should have priority by turns until the question b tween them were fully cleared. The words of the Ordinance are; *ad finem evitandi debatum, seu dissensionem eorundem Dominorum* [*de Ponte &*] de Anceneſio, *deinde tunc dictum quod pro illa vice Domin* de Ponte *sederet & computaretur pro Barone, & alia secunda vice, quando primum Dux teneret suum Parlamentum, Dominus* de Anceneſo *computaretur pro Barone & sederet primus ante dictum Dominum* de Ponte, *& de cætero sic alternis vicibus in Parlamento sederent donec fuerit latius discussum per Ducem inter ipsos quis eorum debebit sedere primus.* Somewhat like this, for the alternation of precedence, is that between the Dukes of *Warwick* and *Buckingham*, under *Henry* the sixth, who were to have it of each other every other year. See also that Decision in a Provincial Synod held at *London* under *William* the first (*Lanfranke* being then Archbishop of *Canterbury* and President of it) touching the place and precedence of the Archbishops and Bishops of *England*. And in truth, of the Decisions that concern precedence, the most are upon questions that have risen between Ecclesiastical persons. For the various dignity of their several Churches, and of their many Functions, Rules and Orders in them, by reason of the frequency of their Synodal and Processional meetings, have necessarily raised many questions of place among them. But there is scarce any of those Decisions, but gives good light by way of Authority or Reason to some questions that arise also between Temporal dignities, especially to cases wherein some of our subordinate Temporal Titles have part in the controversie. The Canon Law is much used in the disputation of such questions. But rarely without intermixture of the Imperial Civil Laws. And in the Decisions; the texts and authorities of both are commonly noted, and divers occurrences in them also expresly declare the precedence of Secular dignities. Therefore they are as useful in disquisitions touching the Precedence whereof we now chiefly speak as any thing else whatsoever. They are dispersed in divers that have collected Decisions. But see especially *Aloysius Riccius* his *Collectanea Decisionum, Decis.* 147. 470. 674. 1069. 1446. where very many other are also cited. The places cited before §. 4. out of *Cabedo* and *Gama*, have Decisions also of Precedence. In *Thuanus* also and the History of the Councel of *Trent* several questions are about Precedence between Embassadors of some Dukes. And for the precedence of dignities both Temporal and Ecclesiastical in *France*, see the *Recueil de reglements notables &c. donnes entre Ecclesiastiques, Juges, Magistrats &c.* by *Jean Chenu* printed in *quarto* at *Paris* both in 1602, and in 1603. and that *Tractatus de Autoritate & Præeminentia Sacri Magni Concilii & Parlamentorum Regni Franciæ* by *Jo. Mountaigne* with the Addition to it of *Nicolaus Boerius*.

Precedence.

e *Apud Bertrand d' Argentre hist. Bret. liv. 1. cap. 13. pag. 95.*

f *Rundell Petit. Parl. 23 H. 6 num. 12.*

g *Apud Guil. Malmesb. lib. 1. de gestis Pontificum Anglorum, & Aut. Historiæ de Antiquit. Eccles. Britann. pag. 111.*

Precedence. Obſerve alſo the reaſons and fancies in the queſtions of Precedence before *Apollo* in *Boccalini* his *Raguagli di Parnſſo Centur.* 2. *Rag.* 8, & 21. Men that know Books well may have a better ſtore. But we doubt not but ſuch as are not much converſant with the variety of Authors, may have ſome leading helps to their ſtudies of points of Precedence by this ſlight deſignation.

The End.

DEO SERVATORI Honor & Gloria.

UNIVERSITY OF CALIFORNIA LIBRARY
Los Angeles
This book is DUE

UC SOUTHERN REGIONAL LIBRARY FACILITY
D 000 512 932 5